SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1959

No. 667

UNITED STATES, PETITIONER

vs.

CURTIS M. THOMAS, REGISTRAR OF VOTERS OF WASHINGTON PARISH, LOUISIANA, ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITION FOR CERTIORARI FILED JANUARY 29, 1960

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1 In the United States District Court for the Eastern District of Louisiana New Orleans Division

No. 9146, Civil Action

UNITED STATES OF AMERICA

versus

DIAZ D. MCELVEEN, ET AL.

Caption

Appearances: Jack P. F. Gremillion, Attorney General—State of Louisiana; M. E. Culligan, John E. Jackson, Weldon A. Cousins, William P. Schuler, Henry J. Roberts, Jr., Assistant Attorney Generals; France W. Watts, Jr., Personal Attorney for Curtis M. Thomas, Registrar of Voters of Washington Parish, Louisiana, Attorneys for Appellant; Joseph M. F. Ryan, Jr., Acting Assistant Attorney General; M. Hepburn Many, United States Attorney, Attorneys for Appellee.

Appeal from the District Court of the United States for the Eastern District of Louisiana, to the United States Court of Appeals for the Fifth Circuit, returnable within forty (40) days from the 15th day of January, 1960, at the City of New Orleans, Louisiana.

2 In United States District Court

Complaint

Filed June 29, 1959

The United States of America, plaintiff, brings this suit against Diaz D. McElveen, E. Ray McElveen, Saxon Farmer, and Eugene Farmer, individually and as members of the White Citizens Council of Washington Parish, Louisiana (hereinafter referred to as the Individual Defendants); Curtis M. Thomas, Registrar of Voters of Washington Parish, Louisiana (hereinafter referred to as the Defendant Registrar); and the White Citizens Council of Washington Parish, Louisiana (hereinafter referred to as the Defendant Citizens Council) and alleges that:

1. This action is brought under Part IV of the Civil Rights Act of 1957 (P.L. 85-315, 71 Stat. 634; 42 U.S.C. Sec. 1971) to obtain relief as provided for in said statute against acts and

practices by the defendants which would deprive other persons of rights and privileges secured by subsection (a) of Section 1971 of Title 42 of the United States Code; namely, the right and privelege of citizens of the United States who are otherwise qualified by law to vote at any election by the people in the State of Louisiana and Washington Parish to be entitled and allowed to vote at all such elections without distinction of race or color.

2. This Court has jurisdiction of this action under 42 U.S.C. Sec. 1971(d) and under 28 U.S.C. Sec. 1345.

3. Under the laws of the State of Louisiana, registration is a prerequisite to voting in any election. In Washington Parish, Louisiana, registration is permanent and a registered voter is not required to register unless his name is cancelled from the registration rolls in accordance with law.

4. At the times indicated below the numbers of persons registered to vote in Washington Parish were as follows: October 6, 1956: 1843 Negroes, 15,529 white persons; November 4, 1958; 1517 Negroes, 11,444 white persons; and June 16, 1959; 236 Negroes, 11,436 white persons.

5. The substantial decline in the number of Negroes registered to vote in Washington Parish which occurred between the dates November 4, 1958, and June 16, 1959, as detailed in Paragraph 4, resulted from the acts and practices described hereinafter of the defendants by which—in violation of 42 U.S.C. Sec. 1971 (a) and (c), and in violation of the Fourteenth and Fifteenth Amendments to the Constitution of the United States—Negroes were deprived of the right to vote because of their race and color.

6. The Individual Defendants are registered voters of Washington Parish, Louisiana, and are officers and members of the Defendant Citizens Council.

7. Under Section 245, Title 18, Louisiana Revised Statutes, 1950 (the full text of which appears in Appendix A), which is applicable to parishes which have adopted the permanent registration system and which, therefore, is applicable to Washington Parish, any two bona fide registered voters of the parish are vested with authority to file affidavits with the registrar of voters challenging the right of any persons to remain on the registration rolls. It is made mandatory by said statute that, upon the filing of such affidavits, the reg-

istrar shall notify by mail the persons thus challenged by sending to them a printed citation requiring them to appear in person at the registrar's office within ten days and prove, by written affidavit of three bona fide registered voters, their right to remain on the registration rolls.

8. By this statutory provisions, Section 245 vests in registered voters authority to perform the state functions of investigating and making an initial determination whether persons are qualified to vote, and of requiring persons who have already been adjudged qualified voters by the registrar of voters, to come forward and prove their right to remain registered voters. By said section, registered voters are constituted agents of the State for the purpose of performing said state functions.

9. During the period November 4, 1958, and June 16, 1959, and particularly the last four months of said period, the Individual Defendants, acting as agents of the State of Louisiana pursuant to and under the authority of Title 18, Section 245, of the Louisiana Revised Statutes, 1950 hereinabove referred to, filed with the office of the Defendant Registrar 1377 affidavits challenging the legality of the registration status of Negro voters and ten affidavits challenging the registration statute of white voters.

10. The affidavits of challenge referred to in Paragraph 9 were almost without exception based on minor technical deficiencies in the registration records, such as minor misspellings, petty deviations from printed instructions, failure to compute age with exact precision, and allegedly illegible handwriting.

11. In examining the Washington Parish registration records for the purpose of filing the affidavits of challenge referred to in Paragraph 9, the Individual Defendants limited their examination almost exclusively to the registration records of Negro voters while making only a token examination of the registration records of white voters.

12. The Individual Defendants in examining the Washington Parish registration records for the purpose of filing the affidavits of challenge referred to in Paragraph 9, relied upon the slightest technical deficiencies, including those described in Paragraph 10, which they found in the records of Negro voters upon which to base the challenges. At the same time, the Individual Defendants exercised virtually no challenges of white voters whose registration records the Individual De-

fendants knew or should have known contained technical deficiencies similar to those which formed the basis for the challenge of the Negroes.

13. As a result of the acts and practices of the Individual Defendants, as described in Paragraphs 9 through 12, the names of those voters whom they challenged were
6 stricken from the registration rolls of Washington Parish. Among the Negro voters whose names were thus stricken were:

William Bailey, Jr.
408 Church Street
Bogalusa, Louisiana

James Cyrus
546 Avenue "U"
Bogalusa, Louisiana

Joe Dean
638 Avenue W
Bogalusa, Louisiana

J. D. Godbolt
725 Avenue T
Bogalusa, Louisiana

Rev. W. M. Granderson
420 Church Street
Bogalusa, Louisiana

Robert Hicks
924 East 9th Street
Bogalusa, Louisiana

Mrs. Allie Mae Moses Johnson
638 1st Avenue
Bogalusa, Louisiana

Willie C. Monk
507 Church Street
Bogalusa, Louisiana

Sam Myles
657 Avenue S
Bogalusa, Louisiana

Mrs. Geraldine Maddox Page
1007 So. Dauphine Street
Bogalusa, Louisiana

Moses Richmond
804 Dauphine
Bogalusa, Louisiana

Rev. Frank C. Shumake
819 East 9th Street
Bogalusa, Louisiana

Henry Sims
665 2d Avenue
Bogalusa, Louisiana

Mrs. Ethel A. Smith
920 East 7th Street
Bogalusa, Louisiana

Lionel Verdin
521 First Avenue
Bogalusa, Louisiana

Albert Z. Young
834 East 7th Street
Bogalusa, Louisiana

Samuel Rogers
Rte. 1 Box 138A
Varnado, Louisiana

Albert Wilson
928 17th Street
Franklinton, Louisiana

14. The acts and practices described in Paragraphs 9 through 12 were engaged in by the Individual Defendants while acting as agents of, and under authority of the law of the State of Louisiana and in accordance with the prevailing custom and usage in said State, all for the purpose and with the effect of depriving Negroes solely because of their race
7 or color of their right to register and vote.

15. By the acts and practices described in Paragraphs 9 through 12, the Individual Defendants prevented the Defendant Registrar from performing his duty under 42 U.S.C. Sec. 1971(a), and under the Fourteenth and Fifteenth Amendments to the Constitution of the United States, of administering the registration laws without distinction based on race or color; and said Individual Defendants thereby subverted the capacity of the office of the Defendant Registrar to function in accordance with law.

16. The Defendant Registrar assumed office in September 1949, and has been acting in that capacity up to the time of the filing of this complaint. Under the laws of Louisiana, said Defendant Registrar in his official capacity is responsible, among other things, for registering all qualified applicants for registration, for keeping and preserving all registration records, and for cancelling from the registration rolls the names of all voters who lose their right to remain on the rolls.

17. When the affidavits of challenge referred to in Paragraph 9 were filed with the Defendant Registrar, he knew that said affidavits related almost exclusively to Negro voters; that the purpose of said affidavits was to effect discrimination based on race or color against Negro voters; and that the said affidavits related to technical deficiencies equally applicable to many white voters against whom affidavits of challenge were not filed.

8 18. In response to the filing of affidavits of challenge referred to in Paragraph 9, and, acting pursuant to and under the authority of Title 18, Sec. 245, of the Louisiana Revised Statutes, 1950, the Defendant Registrar—notwithstanding his knowledge as alleged in Paragraph 17 hereof of the discriminatory purpose and effect of said affidavits of challenge—mailed or caused to be mailed Citations to Appear to the persons whose registration status had thus been challenged. Said Citations require those challenged to appear at the Defendant Registrar's office within ten days to prove their right

to remain on the registration rolls. Said Defendant Registrar, following intermediate legal proceedings, subsequently cancelled all the names of the voters thus challenged from the registration rolls.

19. By the acts described in Paragraph 18, Defendant Registrar participated in and imparted the authority of his office to the illegal acts and practices described in Paragraphs 9 through 12 which were engaged in by the Individual Defendants as agents of the State of Louisiana, and acting under the authority of the laws of that State.

20. Defendants Citizens Council is incorporated under the laws of the State of Louisiana; and is domiciled in Washington Parish, Louisiana. One of its purposes is to maintain racial segregation in said state.

21. Defendant Citizens Council at all times pertinent to this Complaint was acting pursuant to a state-wide program of allied organizations for the removal of Negroes from the voting rolls.

22. The acts and practices described in Paragraphs 9 through 15, which were engaged in by the Individual Defendants as agents of the State and under the authority of state law, were carried out at the direction of and under the control of the Defendant Citizens Council, of which the Individual Defendants are officers and members.

23. There are reasonable grounds to believe that, unless enjoined by this Court, the Defendant Registrar will continue to treat as valid the challenges to voters based on race or color as described in this Complaint, which challenges have resulted in the removal of the names of Negro voters from the registration rolls of Washington Parish; that said Defendant Registrar will not restore to the registration rolls of said Parish any of those persons whose names have been illegally removed therefrom unless they qualify for registration de novo; and that the Defendants will continue to engage in illegal acts and practices the same as or similar to those set forth in this Complaint.

Wherefore, Plaintiff respectfully prays:

(a) That this Court issue a permanent injunction.

(1) enjoining the Individual Defendants individually and as members of the Defendant Citizens Council, and enjoining the Defendant Citizens Council and all officers and members thereof, from causing or initiating challenges or filing any affi-

davits of challenge which have as their purpose or effect discrimination based on race or color against voters, and
10 from further engaging in illegal acts and practices the same as or similar to those set forth in Paragraphs 9 through 15 of this Complaint;

(2) enjoining the Defendant Registrar from giving any legal effect whatsoever to the challenges referred to in Paragraph 9 hereof, or from giving any legal effect to any prior proceedings or orders based directly or indirectly upon such challenges.

(3) enjoining the Defendant Registrar, his successors, agents, and employees having actual notice of this order, from acting upon or giving effect to any challenges which might hereafter be made which have as their purpose or effect discrimination based on race or color against voters;

(4) enjoining the Defendant Registrar, his successors, agents, or employees having actual notice of this order, from requiring the voters whose names were illegally challenged and removed from the registration rolls of Washington Parish to register de novo or to take any further steps whatsoever as a condition precedent to their reinstatement forthwith as registered voters of said Parish.

(b) That this Court grant such additional relief as justice may require or as may be required in aid of the jurisdiction of this Court, including the issuance, upon proper application, of instructions where the Defendant Registrar has reasonable doubt as to his obligations and duties under this Court's order.

11 By direction of the Attorney General of the United States:

(S) Joseph M. F. Ryan, Jr.,
JOSEPH M. F. RYAN, Jr.,
Acting Assistant Attorney General.

(S) M. Hepburn Many,
M. HEPBURN MANY,
United States Attorney.

Appendix A to complaint

TITLE 18, SECTION 245, OF THE LOUISIANA REVISED STATUTES, 1950

§ 245. Illegal registration or loss of right to vote: notice to registrant; cancellation of name on failure to prove right.

Upon a written affidavit signed and sworn to in duplicate before and filed with the registrar or his deputy by any two bona fide registered voters of the parish, to the effect that after reasonable investigation and on information and belief certain persons are illegally registered, or have lost their right to vote in the precinct, ward, or parish in which they are registered by reason of removal or otherwise, the registrar shall immediately or, in any event, within forty-eight hours, notify the registrants by mailing to them postage prepaid, under P.O. Form 3547—Requested, at the addresses given in the registration records, the duplicate copy of affidavit, together with a printed citation requiring them to appear in person before the registrar or his deputy within ten days from the date of
12 the mailing of the duplicate affidavit and citation, which date shall be stated in the citation, and prove their right to remain on the registration rolls by written affidavit of three bona fide registered voters in the form as provided in R.S. 18:132. The registrar shall immediately make a similar publication, as provided for in R.S. 18:132, and if the challenged registrants fail, within the same delays provided in that Section, to prove their right to remain on the rolls, as in that Section provided, the registrar shall cancel their names from the registration records as provided by R.S. 18:135.

In United States District Court

Motion of Curtis M. Thomas to dismiss

Filed July 21, 1959

On Motion of Curtis M. Thomas, Registrar of Voters of Washington Parish, State of Louisiana, sought to be made defendant in the above entitled and numbered cause, through his undersigned counsel, and in no way acceeding to the jurisdiction of this Honorable Court, but on the contrary denying the same, moves as follows: to wit:

1

To dismiss the action herein because the complaint fails to state a claim against defendant registrar, Curtis M. Thomas, Registrar of Voters of Washington Parish, State of Louisiana, upon which relief can be granted.

2

To dismiss the action for the reason that Section
13 1917(c) of Title 42, United States Code is unconstitutional in that Congress has attempted to legislate *beyong* its jurisdiction; and that the same is not appropriate legislation within the meaning of Section 2 of the Fifteenth Amendment to the Constitution of the United States. To dismiss the action for the reason that the United States of America, through the Attorney General, has no right of action against the defendant herein.

(S) Jack P. F. Gremillion,
JACK P. F. GREMILLION,
Attorney General—State of La.
(S) M. E. Culligan,
M. E. CULLIGAN,
Assistant Attorney General.
(S) John E. Jackson,
JOHN E. JACKSON,
Assistant Attorney General.
(S) Weldon A. Cousins,
WELDON A. COUSINS,
Assistant Attorney General.
(S) William P. Schuler,
WILLIAM P. SCHULER,
Assistant Attorney General.
(S) Henry J. Roberts, Jr.,
HENRY J. ROBERTS, Jr.,
Assistant Attorney General.
(S) France W. Watts, Jr.,
FRANCE W. WATTS, Jr.,

Personal Attorney for the Defendant, Curtis M. Thomas, Registrar of Voters of Washington Parish, Louisiana.

In United States District Court

Motion of defendants, McElveen, et al., to dismiss and plea to jurisdiction

Filed July 24, 1959

Defendants, Diaz D. McElveen, E. Ray McElveen,
14 Saxon Farmer, and Eugene Farmer move the Court to dismiss this action on the following grounds:

I

That the right of action asserted by plaintiff, United States of America, in this cause is allegedly based upon Part IV of the Civil Right Act of 1957 (P.L. 85–315, 71 Stat. 634; 42 U.S.C. 1971), which part of the Civil Right Statute is, and has been held to be unconstitutional, null and void. United States vs. Raines, et al., 172 Fed. Supplement 552 (U.S.D.C., M.D. Ga. April 16, 1959).

II

That, more especially, Part IV of the Civil Rights Act of 1957, above referred to, is unconstitutional for the following reasons:

(1) The act attempts to create a right of action to seek an injunction or other equitable remedy against private citizens for individual acts divorced completely from State action and hence is not appropriate legislation within the meaning of the 14th or 15th Amendment to the United States Constitution. That it is impossible to sever that portion of this part of the act which is constitutional from that part which is unconstitutional, hence the entire Part IV is unconstitutional.

(2) The act violates the 5th Amendment to the
15 Constitution of the United States in that it seeks to deprive defendants of their liberty and/or property without due process of law, and further violates this amendment to the Constitution by seeking to appropriate to the United States causes or rights of action belonging to third parties, all without just compensation.

(3) The act seeks to extend the judicial power of the United States Court to a type of case unknown in either law or equity, in violation of Section 2 of Article III of the Constitution of the United States.

III

That this Court has no jurisdiction over this controversy, since the act giving the jurisdiction is unconstitutional in the particulars above set forth.

Wherefore, movers pray that this Motion be sustained and that there be judgment herein dismissing this suit at plaintiffs cost;

Mover further pray for all orders necessary or proper in the premises and for general and equitable relief.

(S) Benjamin C. Toledano,
BENJAMIN C. TOLEDANO,
823 Lower Line Street, New Orleans 18, Louisiana,

(S) W. M. Shaw,
W. M. SHAW,
MEADORS, SHAW AND MEADORS,
P.O. Box 209, Homer, Louisiana,
Attorneys for Defendants.

16 In United States District Court

Amendment to Complaint

Filed Aug. 7, 1959

Pursuant to the provisions of Rule 15 of the Federal Rules of Civil Procedure, plaintiff, the United States of America, amends the complaint filed herein to change the designation of the defendant "White Citizens Council of Washington Parish, Louisiana," in the caption and body of said complaint to "Citizens' Council of Washington Parish."

(S) M. Hepburn Many,
M. HEPBURN MANY,
United States Attorney.

In United States District Court

Motion of the Citizens' Council of Washington Parish Louisiana, to Dismiss and Plea to Jurisdiction

Filed Aug. 19, 1959

Defendant the Citizens' Council of Washington Parish, Louisiana, moves the Court to dismiss this action on the following grounds:

I

That the right of action asserted by plaintiff, United States of America, in this cause is allegedly based upon Part IV of the Civil Rights Act of 1957 (P.L. 85-315, 71 Stat. 634; 42 U.S.C. 1971), which part of the Civil Rights Statute is, and has been held to be unconstitutional, null and void. United States vs. Raines, et al., 172 Fed. Sup. 552 (U.S.D.C., M.D. Ga. April 16, 1959).

II

That, more especially, Part IV of the Civil Rights
17 Act of 1957, above referred to, is unconstitutional for the following reasons:

(1) The act attempts to create a right of action to seek an injunction or other equitable remedy against private citizens for individual acts divorced completely from State action and, hence, is not appropriate legislation within the meaning of the 14th or 15th Amendment to the United States Constitution. That it is impossible to sever that portion of this part of the act which is constitutional from that part which is unconstitutional; hence; the entire Part IV is unconstitutional.

(2) The act violates the 5th Amendment to the Constitution of the United States in that it seeks to deprive defendant of its liberty and/or property without due process of law, and further violates this amendment to the Constitution by seeking to appropriate to the United States causes or rights of action belonging to third parties, all without just compensation.

(3) The acts seeks to extend the judicial power of the United States Court to a type of case unknown in either law or equity, in violation of Section 2 of Article III of the Constitution of the United States.

18 III

That this Court has no jurisdiction over this controversy, since the act giving the jurisdiction is unconstitutional in the particulars above set forth.

Wherefore, mover prays that this motion be sustained and that there be judgment herein dismissing this suit at plaintiff's cost.

Mover Further Prays for all orders necessary or proper in the premises and for general and equitable relief.

BENJAMIN C. TOLEDANO,
823 Lower Line Street,
New Orleans 18, Louisiana.

(S) W. M. Shaw,
W. M. SHAW,
MEADORS, SHAW AND MEADORS,
P.O. Box 209, Homer, Louisiana,
Attorneys for Defendant.

In United States District Court

Hearing on motion of defendants to dismiss argument and submission

August 19, 1959

Minute Entry, Wright, J.:

(Number and title omitted.)

This cause came on this day to be heard on motion of defendants to dismiss.

Present: M. Hepburn Many, U.S. Attorney; Francis W. Watts, Jr., Esq., Atty. for Curtis M. Thomas, Reg. of
19 Voters, Wash. Parish; Wm. M. Shaw, Esq., Atty. for Citizens Council of Wash., La.; Ben C. Toledano, Esq., Atty. for individual defendants.

Argument;

The matter was submitted when the Court took time to consider.

In United States District Court

Opinion of Court

Denying motions to dismiss—Oct. 17, 1959

W. Wilson White, Assistant Attorney General, United States of America; M. Hepburn Many, United States Attorney, Attorneys for Plaintiff; Jack P. F. Gremillion, Attorney General, State of Louisiana; M. E. Culligan, Assistant Attorney General; John E. Jackson, Special Counsel to the Attorney General; William P. Schuler, Special Assistant Attorney General;
20 Weldon A. Cousins, Special Assistant Attorney General; Henry J. Roberts, Jr., Special Assistant Attorney General; France W. Watts, Jr., Attorneys for Defendant Curtis M. Thomas, Registrar of Voters of Washington Parish; Ben C. Toledano, W. M. Shaw, Attorneys for Citizens' Council of Washington Parish and Individual Defendants.

WRIGHT: District Judge:

In the spring of 1959 the Citizens' Council, professing a purpose to purge the registration rolls of Washington Parish, Louisiana, of all persons illegally registered, succeeded in disenfranchising 85% of the Negro voters of the Parish and 0.07% of the white. The United States in this action charges that this profession of high purpose was a fraud designed to,

deny Negro citizens of a right to vote. Made defendants and charged with conspiring with the Citizens' Council are several members of the Council and the Registrar of Voters for Washington Parish.

The defendants have moved to dismiss, alleging the unconstitutionality of certain sections[1] of the Civil Rights
21 Act of 1957 under which the United States is proceeding. They admit that under the Fifteenth Amendment, Congress may authorize the United States to seek injunctive relief to protect citizens against state action denying their right to vote because of race. They contend, however, that Section 1971(c) is unconstitutional in that it may be interpreted as authorizing such action against private individuals as well as persons acting under color of law.

The complaint here specifically charges that the defendants, acting under color of state law, have deprived certain named citizens of their right to vote because of their race. The motion to dismiss, of course, admits the truth of these allegations. There is, therefore, no contention that legislation covering the facts of this case would be invalid. The position of defendants simply is that because Section 1971(c) may be more broadly interpreted, it is unconstitutional.[2]

---

[1] 42 U.S.C. § 1971 (a) and (c). These provisions read as follows:

"(a) All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school, district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding."

"(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person."

[2] The defendant Registrar of Voters makes the additional contention that the function he performed in disenfranchising the voters was purely ministerial and was required by state statutes. The complaint, however, specifically charges that he knowingly participated in the discrimination. Moreover, the Registrar is an indispensable party to the granting of the relief. See Williams v. Fanning, 332 U.S. 490.

22 The defendants' contention is so obviously without merit that this Court would merely deny the motion to dismiss without more were it not for the fact that a district court has upheld a similar contention and declared Section 1917(c) unconstitutional.[3] In so doing, that Court ignored the most elementary principles of statutory construction, as repeatedly announced by the Supreme Court, and relied on an old case [4] interpreting a criminal statute.

It is true that the various civil rights acts have been the subject of much confused litigation. Out of this confusion, however, have emerged two propositions, both of which have now won general acceptance. The first of these is that the Congress may, without reference to the Fifteenth Amendment, pass any legislation reasonably designed to protect citizens in the exercise of any right guaranteed by the Constitution.[5] The right to participate in the election of federal officers is so guaranteed.[6] Article I, Section 4, of the Constitution specifically authorizes Congress to regulate the manner of holding elections for federal office. Article I, Section 8, Clause 18,
23 states that Congress is given authority "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers." Under this authority, presumably Congress may also control the registration, but not the qualification [7] of voters in federal elections, since such authority would certainly be reasonably necessary to insure their proper conduct.

The second proposition relates to the power of Congress to control all elections for state or federal office. With reference to such elections, the Fifteenth Amendment imposes on Congress the duty to protect citizens from being denied their right to vote "by the United States or by any State on account of race, color, or previous condition of servitude." To be appropriate under the Fifteenth Amendment, legislation must be directed against persons acting under color, or previous condition of servitude. To be appropriate under the Fifteenth

[3] United States v. Raines, M.D., Ga., 172 F. Supp. 552.

[4] United States v. Reese, 92 U.S. 214.

[5] United States v. Williams, 341 U.S. 70, United States v. Classic, 313 U.S. 299; Logan v. United States, 144 U.S. 263; Ex Parte Yarbrough, 110 U.S. 651.

[6] See Note 5.

[7] The qualification of voters in federal elections is prescribed by Article I, Section 2 of the Constitution.

Amendment, legislation must be directed against persons acting under color of law, state or federal, and it must relate to the denial, by such persons, of citizens' right to vote because of race. Any congressional action which does not contain these two elements cannot be supported by the Fifteenth Amendment.[8]

It is admitted by the United States that the sections of the Act in suit, since they specifically apply to all elections, are predicated on the Fifteenth Amendment. The United States contends that these sections must be read together, and when so read, apply only to persons acting under color of law. The United States also maintains that, conceding these sections may be construed more broadly so as to cover hypothetical cases involving actions against private individuals, since the defendants in suit are within the legitimate reach of the legislation, the extended interpretation thereof with reference to persons not before the Court is unnecessary. Certainly, the Government contends, no court should reach out for these imaginary persons, and, in effect, bring them into this litigation in order to declare the Act unconstitutional.

It is true that Sections 1971 (a) and (c), in outlining their area of operation, do not use the talismanic phrase "Under color of law." By reading Sections 1971 (a), (b), and (c), however, the legislative purpose and intent become obvious. Section 1971(a) applies to all elections and to all persons acting under color of law. The last clause in the section makes this clear.[9] Section 1971(b) relates only to federal elections and is not limited to persons acting under state law. Section 1971(c) authorizes the United States to seek injunctive relief where there has been a violation of either (a) or (b). Even if one had difficulty literally reading into Section 1971(a) the limitation to persons acting under color of law, any doubt respecting the intent of Congress can be resolved by reference to the prior jurisprudence outlining the permissible reach of the Fifteenth Amendment and restricting it

[8] Terry v. Adams, 345 U.S. 461; Smith v. Allwright, 321 U.S. 649; James v. Bowman, 190 U.S. 127.

[9] The last clause reads:

"* * * any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding."

specifically to persons acting under color of law.[9] No court is authorized to assume that Congress, in enacting this legislation, was ignorant of the uniform jurisprudence of the Supreme Court on the subject.[11] In fact, it is a cardinal rule of statutory construction that such jurisprudence may serve as a guide to interpretation.[12]

There are other elementary rules of statutory construction which may be consulted if one were in doubt as to the meaning of the Act. The first of these is that the constitutionality of an act will not be determined unless it is absolutely necessary to the decision of the case.[13] From this primary
26 principle have evolved two rules of construction, both of which apply here: (1) the constitutionality of statutes will not be tested in the abstract without reference to the facts of the case at hand,[14] and (2) litigants may challenge

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[9] See Note 8.

[11] The legislative history of the Act shows that Congress was aware of this jurisprudence and sought to draft legislation to meet its constitutional requirements. See Notes 17, 18, 19 and 20.

[12] Shapiro v. United States, 335 U.S. 1, 16; Hecht v. Malley, 265 U.S. 144, 153. See also Missouri v. Ross, 299 U.S. 72, 75; Sessions v. Romadka, 145 U.S. 29, 42.

[13] See United States v. International Union United Automobile, Aircraft and Agricultural Implement Workers of America, 352 U.S. 567, at p. 590:

"The impressive lesson of history confirms the wisdom of the repeated enunciation, the variously expressed admonition, of selfimposed inhibition against passing on the validity of an Act of Congress 'unless absolutely necessary to a decision of the case.' Burton v. United States, 196 U.S. 283, 295." See also cases collected in Ashwander v. Tennessee Valley Authority, 297 U.S. 288, at p. 345.

[14] See also Yazoo and Mississippi Valley R. Co. v. Jackson Vinegar Co., 226 U.S. 217, at p. 219:

"* * * Of course, the argument to sustain the contention is that, if the statute embraces cases such as are supposed, it is void as to them, and, if so void, is void *in toto*. But this court must deal with the case in hand and not with imaginary ones. It suffices, therefore, to hold that, as applied to cases like the present, the statute is valid. * * *

See Liverpool, New York and Philadelphia Steamship Co. v. Commissioners of Emigration, 113 U.S. 33, at p. 39:

"* * * It (the Court) has no jurisdiction to pronounce any statute, either of a State or of the United States, void, because irreconcilable with the Constitution, except as it is called upon to adjudge the legal rights of litigants in actual controversies. * * *."

the constitutionality of a statute only in so far as it affects them.[15]

27 Here we have defendants, all admittedly acting under color of state law, charged with denying citizens their right to vote because of their race. Unquestionably, to the extent it affects them, the Act is appropriate under the Fifteenth Amendment. There can be no question but that they are covered by its terms. In fact, they admit it. Their point is that the legislation may be interpreted as covering others not before the Court, individuals not acting under color of law. This Court has no right to consider these imaginary persons in the hypothetical situations conjured up by the defendants in determining whether or not the Act may be constitutionally applied to the facts of this case and to the defendants before this Court. The duty of this Court is to strain, if necessary, to save the Act, not to destroy it.[16]

The legislative history of this legislation shows that Congress was aware of the widespread attempt to disenfranchise the Negro, overtly through statutory enactments, and covertly through discriminatory administration of voting laws. Congress was also aware that disenfranchisement can be accomplished only with the cooperation of persons acting under color

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[15] See Fleming v. Rhodes, 331 U.S. 100, at p. 104:

"• • • Litigants may challenge the constitutionality of a statute only in so far as it affects them. • • •"

See also United States v. Wurzbach, 280 U.S. 396, at p. 399:

"It is argued at some length that the statute, if extended beyond the political purposes under the control of Congress, is too vague to be valid. The objection to uncertainty concerning the persons embraced need not trouble us now. There is no doubt that the words include representatives, and if there is any difficulty, which we are far from intimating, it will be time enough to consider it when raised by someone whom it concerns. • • •"

See also Heald v. District of Columbia, 259 U.S. 114, at p. 123:

"• • • It has been repeatedly held that one who would strike down a state statute as violative of the Federal Constitution must show that he is within the class of persons with respect to whom the act is unconstitutional and that the alleged unconstitutional feature injures him. In no case has it been held that a different rule applies where the statute assailed is an act of Congress; nor has any good reason been suggested why it should be so held. • • •"

See also Rescue Army v. Municipal Court of Los Angeles, 331 U.S. 549; Virginian R. Co. v. System Federation No. 40, 300 U.S. 515; Jeffrey Manufacturing Co. v. Blagg, 235 U.S. 571.

[16] See Screws v. United States, 325 U.S. 91, at p. 100.

"• • • Only if no construction can save the Act from this claim of unconstitutionality are we willing to reach that result. • • •

of state law since registration rolls are in the custody
28 and under the control of state officers. Reference to the hearings,[17] the Committee reports[18] and the floor debate[19] on the legislation all demonstrate this awareness. This legislative history also shows beyond question that Congress was cognizant of its constitutional limitations and deliberately sought to enact legislation within those limits.[20] To say that Congress failed in this endeavor is to misread the language of the Act and to defile its great purpose.

In a democratic society there is no greater offense than illegally depriving a citizen of his right to vote. Such discrimination strikes at the very foundation of constitutional government. This offense is compounded when, as alleged here, it is committed under the guise of enforcing the law.

The United States has made the solemn charge that
29 these defendants have committed such an offense. Instead of challenging the constitutionality of the Civil Rights Act of 1957, these defendants should be searching their souls to see if this charge is well founded. This Court will make that determination after it hears all the evidence.

The motions to dismiss are denied.

(S) J. SKELLY WRIGHT,
United States District Judge.

NEW ORLEANS, Louisiana.
OCTOBER 7, 1959.

In United States District Court

Motion for Preliminary Injunction

Filed Oct. 12, 1959

Comes now the United States of America, plaintiff herein, and moves the Court for a preliminary injunction in the above entitled cause:

[17] Hearings before Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, 85th Cong., 1st Session; Hearings before Subcommittee No. 5 of the House Committee on the Judiciary, 85th Cong., 1st Session. Hearings before Committee on Rules, House of Representatives, 85th Cong., 1st Session, on H.R. 6127 at p. 44.

[18] House Report No. 291, 85th Cong., 1st Session; Report to Accompany S. 83, 85th Cong., 1st Session, Subcommittee Print.

[19] 103 Cong. Rec. 12150, 12565, 12829, 13138, 13876, 13324, 13333, 13319, 13322, 12149, 13120, 13126, 8498, 9396, 12898, 12900, 13006, 13732, 13320.

[20] In addition to Notes 17, 18 and 19, see 103 Cong. Rec. 13834, 13159.

(1) Enjoining the Individual Defendants individually and as members of the Defendant Citizens' Council, and enjoining the Defendant Citizens' Council and all officers and members thereof, from causing or initiating challenges or filing any affidavits of challenge which have as their purpose or effect discrimination based on race or color against voters, and from further engaging in illegal acts and practices the same as or similar to those set forth in paragraphs 9 through 15 of the complaint filed herein as amended;

(2) Enjoining the Defendant Registrar from giving any legal effect whatsoever to the challenges referred to in
30 paragraph 9 of the complaint filed herein as amended, or from giving any legal effect to any prior proceedings or orders based directly or indirectly on such challenges;

(3) Enjoining the Defendant Registrar, his successors, agents and employees, having actual notice of this order, from acting upon or giving effect to any challenges which might hereafter be made which have as their purpose or effect discrimination based on race or color against voters;

(4) Enjoining the Defendant Registrar, his successors, agents and employees, having actual notice of this order, from requiring the voters whose names were illegally challenged and removed from the registration rolls of Washington Parish to register de novo or to take any further steps whatsoever as a condition precedent to their reinstatement forthwith as registered voters of said parish;

(5) Further, that this Court grant such additional relief as justice may require or as may be required in aid of the jurisdiction of this Court, including the issuance, upon proper application, of instructions where the Defendant Registrar has reasonable doubt as to his obligations and duties under this Court's order.

Pursuant to Title 18, Section 299 A. of the Louisiana Revised Statutes of 1950, as amended in 1956, the Louisiana Democratic Gubernatorial Primary election will be held December 5, 1959. If the preliminary injunction prayed for by plaintiff be not granted, those voters against whom there
31 has or will have been discrimination based on race or color, all as set out with particularity in the complaint filed herein as amended, will suffer the irreparable injury, loss and damage of being deprived of their right to vote by the actions and threatened actions of the defendants; and the

United States of America, plaintiff herein, will suffer the irreparable injury, loss and damage of being frustrated in its essential governmental function of protecting the rights of its citizens under and in accordance with the Fifteenth Amendment to the Constitution and the Civil Rights Act of 1957. Plaintiff has no adequate remedy at law.

(S) Joseph M. F. Ryan, Jr.,
JOSEPH M. F. RYAN, JR.,
Acting Assistant Attorney General.
(S) M. Hepburn Many,
M. HEPBURN MANY,
United States Attorney.

In United States District Court

Order Setting Date for Hearing on Motion for Preliminary Injunction

Oct. 12, 1959

It is ordered that the motion for preliminary injunction be, and the same is hereby, set for hearing on Wednesday November 18, 1959, at 11:00 A.M.

It is further ordered that the hearing will be on a record made up of affidavits, depositions, or other written documents. No oral testimony will be taken in court.

32 It is further ordered that all parties file in the record of this case by Friday, November 13, 1959, the documents to be offered in evidence in support of their positions.

In United States District Court

Answer of defendants other than Thomas

Filed Oct. 17, 1959

Defendants Diaz D. McElveen, E. Ray McElveen, Saxon Farmer, and Eugene Farmer and the Citizens Council of Washington Parish, reserving all of their rights under the motions and exceptions heretofore filed herein, for answer to the complaint herein, aver:

(a) That this is an action brought under Part IV of the Civil Rights Act of 1957 which part is and has been declared

unconstitutional, null and void and that this entire proceedings is consequently without any legal force or effect.

(b) That, as is well known to complainant, the challenges referred to in Paragraph 9 have already been given full legal effect and the challenged parties removed from the rolls. That this proceedings is therefore inappropriate in seeking to enjoin defendant registrar from doing something which has already been done.

(c) That an injunction will not lie to enjoin a registrar from following the mandatory laws of this State which are perfectly constitutional on the theory that the registrar must
33 determine the motive of every party who files a challenge in accordance with such law.

(d) That this Court is without authority to grant an injunction requiring the registrar en bloc of the names of voters removed from the rolls for reasons fair on their face.

I

In answer to Paragraph I of the complaint, defendants deny the allegations therein contained.

II

The allegations of Paragraph 2 are denied.

III

The allegations of Paragraph 3 are admitted.

IV

The allegations of Paragraph 4 are denied for want of information.

V

The allegations of Paragraph 5 are denied.

VI

The allegations of Paragraph 6 are denied as written; it is admitted that the individual defendants with the exception of defendant registrar are members of defendant Citizens Council.

VII

The allegations of Paragraph 7 are merely conclusions of law which require no answer. The laws therein referred
34 to are the best evidence of their own contents.

VIII

The allegations of Paragraph 8 are merely conclusions of law which require no answer. The laws therein referred to are the best evidence of their own contents.

IX

The allegations of Paragraph 9 are denied as written. It is admitted that defendants filed affidavits, challenged numerous registrants on or about the times referred to, but they made no effort to keep a record of the same.

X

The allegations of Paragraph 10 are denied.

XI

The allegations of Paragraph 11 are denied.

XII

The allegations of Paragraph 12 are denied.

XIII

The allegations of Paragraph 13 are denied.

XIV

The allegations of Paragraph 14 are denied.

XV

The allegations of Paragraph 15 are denied.

XVI

The allegations of Paragraph 16 are denied for want of information.

XVII

The allegations of Paragraph 17 are denied.

35 XVIII

The allegations of Paragraph 18 are denied for want of information.

XIX

The allegations of Paragraph 19 are denied.

XX

The allegations of Paragraph 20 are admitted.

XXI

The allegations of Paragraph 21 are denied.

XXII

The allegations of Paragraph 22 are denied.

XXIII

The allegations of Paragraph 23 are denied.

Wherefore, defendants demand judgment dismissing the complaint herein filed, together with costs and disbursement of this action.

(S) Benjamin C. Toledano,
BENJAMIN C. TOLEDANO,
823 Lower Line Street,
New Orleans 18, Louisiana.

(S) W. M. Shaw,
W. M. SHAW,
MEADORS, SHAW AND MEADORS,
P.O. Box 209, Homer, Louisiana.
Attorneys for defendants.

In United States District Court

Motion To Produce and To Permit the Inspection, Copying and Photographing of Records Under Rule 34, Federal Rules of Civil Procedure

Filed Nov. 4, 1959

Comes now plaintiff, the United States of America,
36 appearing herein through M. Hepburn Many, and moves this Court for an order requiring defendant Curtis M. Thomas to produce and to permit the inspection, copying and photographing by plaintiff of the following records, documents and papers:

1. All Forms LR–1, Form of Application for Registration of persons currently registered and eligible to vote in the Parish of Washington, State of Louisiana.

2. All Forms LR–1, Form of Application for Registration, of persons who were registered and eligible to vote as of November 4, 1958, in the Parish of Washington, State of Louisiana, and who were stricken from the registration rolls of said parish during the period November 4, 1958 to June 16, 1959 by and as a result of challenges under Section 245, Title 18 Louisiana Revised Statutes of 1950.

3. All Forms LR–17, Affidavit in Case Registration of Voters is Challenged, filed with the said Curtis M. Thomas during the period November 4, 1958 to June 16, 1959, challenging the right of any persons to remain on the registration rolls.

4. All file copies of all Forms LR–14B, Printed Citation of Notice to Erase, mailed by the said Curtis M. Thomas upon and as a result of the filing of the Affidavits described in paragraph 3 above.

Defendant Curtis M. Thomas has the possession, custody, and control of each of the foregoing records, documents and papers. Each and all of them constitutes or contains evidence relevant and material to a matter involved in this action,
37 as is more fully shown in Exhibit "A", attached hereto and incorporated herein by reference.

Wherefore, the premises considered, it is respectfully moved that this Court:

(a) Set this motion down for an immediate hearing:

(b) Issue an appropriate order requiring defendant Curtis M. Thomas to produce and to permit inspection copying and photographing by plaintiff of the records, documents and papers described in paragraph 1 through 4 hereof; and

(c) Grant such further relief as the interest of justice may require.

(S) M. Hepburn Many,
M. HEPBURN MANY,
United States Attorney.

Exhibit A attached to foregoing motion

STATE OF LOUISIANA,
Parish of Orleans:

Before me, the undersigned authority, a Notary Public, duly commissioned in and for the Parish of Orleans, State of Louisiana, personally came and appeared M. Hepburn Many, who, being first duly sworn, did depose and say:

1. That he is attorney of record for plaintiff the United States of America in the instant case of United States v. McElveen, et al.; that he is familiar with the complaint and other pleadings filed in said cause and with the facts underlying said complaint and other pleadings.

38 2. That defendant Curtis M. Thomas at all material times herein was and is now the Registrar of Voters for the Parish of Washington, State of Louisiana, with his office in the courthouse building, Franklinton, Louisiana; that by virtue of this office he has in his position, custody and control, the records, documents and papers referred to in the motion to which this exhibit is attached.

3. That the registration records, documents and papers sought by plaintiff's motion and described herein constitute or contain evidence relating to matters which are relevant to the subject matter of the pending action, United States of America v. McElveen, et al, in that said action alleges certain racially discriminatory acts and practices of defendants with respect to registration for voting, and the records sought are needed by the plaintiff effectively to demonstrate this pattern of discrimination.

4. That there is now pending a motion for a preliminary injunction which is set down for hearing on November 18, 1959 and in connection therewith this Court has ordered that all

parties file in the record of this case by Friday, November 13, 1959 the documents to be offered in evidence in support of their positions; that accordingly it is necessary that this Court expedite a hearing on the instant motion to produce and permit inspection, and cause such hearing to be set down for argument immediately.

(S) M. Hepburn Many.

Sworn to and subscribed before me this 4th day of November 1959.

(S) Lloyd Cyril Melancon,
Notary Public.

39 In United States District Court

Request for admissions by plaintiff

Filed Nov. 6, 1959

To: Mr. Curtis M. Thomas,
Registrar of Voters,
Parish of Washington,
Franklinton, Louisiana.

Plaintiff the United States of America requests defendant Curtis M. Thomas, within ten days after service of this request to make the admissions for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at the trial, that each of the following statements is true:

1. That Defendant Curtis M. Thomas is, and at all times pertinent to this action has been the Registrar of Voters of Washington Parish, Louisiana.

2. That Washington Parish, Louisiana is, and has been at all times pertinent to this action, a permanent voter registration parish.

3. That as of October 6, 1956, approximately 1843 Negroes and approximately 15,529 white persons were registered voters of Washington Parish.

4. That as of November 4, 1958, approximately 1517 Negroes and approximately 11,444 white persons were registered voters of Washington Parish.

5. That as of June 16, 1959, approximately 236 Negroes and approximately 11,436 white persons were registered voters of Washington Parish.

6. That the decline in the number of registered Negro
40 voters in Washington Parish between the dates November 4, 1958, and June 16, 1959, resulted from the filing in the office of the registrar of affidavits of challenge by the individual defendants in this action, to wit, Diaz D. McElveen, E. Ray McElveen, Saxon Farmer, and Eugene Farmer.

7. That between November 4, 1958 and June 16, 1959, the individual defendants in this action, as named in Request Number 6 above, filed approximately 1377 affidavits challenging the registration status of Negro registrants and approximately 10 affidavits challenging the registration status of white registrants in Washington Parish.

8. That the affidavits referred to in Request Number 7 challenging the registration status of Negro registrants were almost without exception based upon minor deficiencies.

9. That deficiencies of the same general type as were used as the bases for challenging Negro registrants are and were at the time referred to in Request Number 6 present in the records of many white registrants who have not been challenged.

10. That as of June 16, 1959, approximately 1377 previously registered Negro voters had been and were struck from the registration rolls of Washington Parish, Louisiana, as a result of the challenges referred to above.

11. That there are nine wards in Washington Parish, Louisiana.

12. That in those wards where only white persons were registered, the individual defendants named in Request
41 Number 6 made no challenges.

13. That the individual defendants referred to in Request Number 6 made no inspection of the records pertaining to white registrants in those wards where no Negroes were registered.

14. That in those wards where Negroes and white persons were registered the affidavits of challenge made by the individual defendants referred to in Request Number 6 were, with very few exceptions, confined to Negro registrants.

(S) M. Hepburn Many,
M. HEPBURN MANY,
United States Attorney,
637 Federal Building, New Orleans 12, Louisiana.

In United States District Court

Request for admissions by plaintiff

Filed Nov. 6, 1959

To: Mr. WILLIAM M. SHAW,
MEADORS, SHAW & MEADORS,
Attorneys at Law,
Box 209, Homer, Louisiana.
Mr. BENJAMIN C. TOLEDANO,
Attorney at Law,
823 Lowerline Street, New Orleans, Louisiana.

Plaintiff, the United States of America, requests defendant, Citizens Council of Washington Parish, by an officer or agent thereof, within ten (10) days after service of this request to make the admission for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at the trial, that each of the following statements is true:

42 1. That the defendant Citizens Council of Washington Parish is and has been at all times pertinent to this action incorporated or otherwise organized under the laws of the State of Louisiana.

2. That the defendant Citizens Council is and has been at all times pertinent to this action affiliated with the Association of Citizens Councils of Louisiana.

3. That the defendant Citizens Council and the Association of Citizens Councils of Louisiana have as a mutual purpose the maintaining of segregation of white and Negro races in Washington Parish and in Louisiana, respectively.

4. That the defendant Citizens Council either endorsed, sponsored or otherwise participated in the filing of affidavits from February 1959 through June 1959, challenging the registered voter status of more than one thousand citizens of Washington Parish.

(S) M. Hepburn Many,
M. HEPBURN MANY,
United States Attorney,
687 Federal Building, New Orleans, Louisiana.

540111—60——3

In United States District Court

Request for admissions by plaintiff

Filed Nov. 6, 1959

To: Mr. WILLIAM M. SHAW,
MEADORS, SHAW & MEADORS,
Attorneys at Law,
Box 209, Homer, Louisiana.

Mr. BENJAMIN C. TOLEDANO,
Attorney at Law,
823 Lowerline Street, New Orleans, Louisiana.

43 Plaintiff, the United States of America, requests defendant E. Ray McElveen within ten (10) days after service of this request to make the admission for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at the trial, that each of the following statements is true:

1. That defendant E. Ray McElveen was, during the period from November 1, 1958 through July 1, 1959, a member of the Citizens Council of Washington Parish.

2. That prior to June 16, 1959, defendant E. Ray McElveen, acting pursuant to and under the authority of Title 18, Section 245 of the Louisiana Revised Statutes, participated in the filing of affidavits with the office of the Registrar of Voters of Washington Parish challenging the legality of the registration status of certain voters.

3. That defendant E. Ray McElveen based the affidavits of challenge referred to in Request Number 2, in so far as Negro registrants were concerned, on deficiencies in the registration records such as misspellings, failure to compute age with exact precision, and illegible handwriting.

(S) M. Hepburn Many,
M. HEPBURN MANY,
United States Attorney,
637 Federal Building, New Orleans, Louisiana.

In United States District Court

Request for Admissions by Plaintiff

Filed Nov. 6, 1959

To: Mr. WILLIAM M. SHAW,
MEADORS, SHAW & MEADORS,
Attorneys at Law, Box 209,
Homer, Louisiana.
44 Mr. BENJAMIN C. TOLEDANO,
Attorney at Law,
823 Lowerline Street, New Orleans, Louisiana.

Plaintiff, the United States of America, requests defendant Saxon Farmer within ten (10) days after service of this request to make the admission for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at the trial, that each of the following statements is true:

1. That defendant Saxon Farmer was, during the period from November 1, 1958 through July 1, 1959, a member of the Citizens Council of Washington Parish.

2. That prior to June 16, 1959, defendant Saxon Farmer, acting pursuant to and under the authority of Title 18, Section 245 of the Louisiana Revised Statutes, participated in the filing of affidavits with the office of the Registrar of Voters of Washington Parish challenging the legality of the registration status of certain voters.

3. That defendant Saxon Farmer based the affidavits of challenge referred to in Request Number 2, in so far as Negro registrants were concerned, on deficiencies in the registration records such as misspellings, failure to compute age with exact precision, and illegible handwriting.

(S) M. Hepburn Many,
M. HEPBURN MANY,
United States Attorney,
637 Federal Building, New Orleans, Louisiana.

45 In United States District Court

Request for admissions by plaintiff

(Filed Nov. 6, 1959)

To: Mr. WILLIAM M. SHAW,
MEADORS, SHAW & MEADORS,
Attorneys at Law,
Box 209, Homer, Louisiana.

Mr. BENJAMIN C. TOLEDANO,
Attorney at Law,
823 Lowerline Street, New Orleans, Louisiana.

Plaintiff, the United States of America, requests defendant Diaz D. McElveen within ten (10) days after service of this request to make the admission for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at the trial, that each of the following statements is true:

1. That defendant Diaz D. McElveen was, during the period from November 1, 1958 through July 1, 1959, a member of the Citizens Council of Washington Parish.

2. That prior to June 16, 1959, defendant Diaz D. McElveen, acting pursuant to and under the authority of Title 18, Section 245 of the Louisiana Revised Statutes, participated in the filing of affidavits with the office of the Registrar of Voters of Washington Parish challenging the legality of the registration status of certain voters.

3. That defendant Diaz D. McElveen based the affidavits of challenge referred to in Request Number 2, in so far as Negro registrants were concerned, on deficiencies in the registration records such as misspellings, failure to compute age with exact precision, and illegible handwriting.

46 (S) M. Hepburn Many,
M. HEPBURN MANY,
United States Attorney,
637 Federal Building, New Orleans, Louisiana.

In United States District Court

Request for admissions by plaintiff

Filed Nov. 6, 1959

To: Mr. WILLIAM M. SHAW,
MEADORS, SHAW & MEADORS,
Attorneys at Law,
Box 209, Homer, Louisiana.

Mr. BENJAMIN C. TOLEDANO,
Attorney at Law,
823 Lowerline Street, New Orleans, Louisiana.

Plaintiff, the United States of America, requests defendant Eugene Farmer within ten (10) days after service of this request to make the admission for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at the trial, that each of the following statements is true:

1. That defendant Eugene Farmer was, during the period from November 1, 1958 through July 1, 1959, a member of the Citizens Council of Washington Parish.

2. That prior to June 16, 1959, defendant Eugene Farmer, acting pursuant to and under the authority of Title 18, Section 245 of the Louisiana Revised Statutes, participated in the filing of affidavits with the office of the Registrar of Voters of Washington Parish challenging the legality of the registration status of certain voters.

3. That defendant Eugene Farmer based the affidavits of challenge referred to in Request Number 2, in so far as Negro registrants were concerned, on deficiencies in the registration records such as misspellings, failure to compute age with exact precision, and illegible handwriting.

(S) M. Hepburn Many,
M. HEPBURN MANY,
United States Attorney,
637 Federal Building, N.O., La.

47 In United States District Court

Defendant Thomas' opposition to order

Filed Nov. 6, 1959

Defendant, Curtis M. Thomas, through his undersigned counsel, herein appearing and reserving any and all rights and exceptions on motions previously filed, hereby opposes the order for hearing of a motion for order requiring the defendant, Curtis M. Thomas, to produce and permit inspection, copying etc. of certain records, which is set for hearing on 11/5/59 at 9:30 AM for the reason that the said order was signed by this court on "11/4/59" and was served on defendant, by United States Mail, through his counsel France W. Watts, Jr., at Franklinton, Louisiana; and that under Rule # 6(d), Rules of Civil Procedure, defendant herein is entitled to service of said motion, not later than five days before the time specified for hearing, and under Rule 6(e) is entitled to an additional three days when the service of said motion is made upon him by mail.

On further suggesting to the court that the Attorney General of the State of Louisiana, who is designated by law to be the legal advisor of the Registrars of Voters for this state, also did not receive sufficient notice as to the order herein, said notice having been mailed on November 5th, 1959 at 5:30 PM., and was received at his office on November 6th, 1959.

Wherefore, opposer, defendant Curtis M. Thomas, prays that the herein order requested by the United States of America be dismissed, as the order was not served on defendant or

48 his counsel timely.

(S) Jack P. F. Gremillion,
JACK P. F. GREMILLION,
Attorney General, State of Louisiana.
(S) Michael E. Culligan,
M. E. CULLIGAN,
Assistant Attorney General.
(S) Weldon Cousins,
WELDON COUNSINS,
Assistant Attorney General.
(S) Henry J. Roberts, Jr.,
HENRY J. ROBERTS, JR.,
Assistant Attorney General.

In United States District Court

Answer of defendant, Curtis M. Thomas

Filed Nov. 9, 1959

Defendant, Curtis M. Thomas, Registrar of Voters of Washington Parish, State of Louisiana, named herein and designated as Defendant Registrar, reserving all of his rights under any motions and exceptions heretofore filed herein, for answer to the *complain* filed against him avers:

(a) That this is an action brought under Part IV of the Civil Rights Act of 1957, which act is and has been declared unconstitutional, null and void and that this entire proceedings is consequently without any legal force or effect.

(b) That as well known to complainant, the challenges referred to in Paragraph 9, have already been given full legal effect and the challenged parties removed from the rolls. That this proceedings is therefore inappropriate in seeking to enjoin defendant registrar from doing something which has
49 already been done.

(c) That an injunction will not lie to enjoin a registrar from following the mandatory laws of this state which are perfectly constitutional on the theory that the registrar must determine the motive of every part who files a challenge in accordance with law.

(d) That this court is without authority to grant an injunction requiring the registrar en bloc of the names of voters removed from the rolls for reasons fair on their face.

1

In answer to paragraph 1 of the complaint, defendant denies the allegations therein contained.

2

The allegations of paragraph 2 are denied.

3

The allegations of paragraph 3 are admitted.

4

The allegations of paragraph 4 are denied for want of information.

5

The allegations of paragraph 5 are denied.

6

The allegations of paragraph 6 are denied for want of information.

7

The allegations of paragraph 7 are conclusions of law which require no answer. The law therein referred to is the best evidence of their own contents.

8

The allegations of paragraph 8 are denied for want of information.

9

The allegations of paragraph 9 are denied for want of information.

10

The allegations of paragraph 10 are denied.

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The allegations of paragraph 11 are denied for want of information.

12

The allegations of paragraph 12 are denied for want of information.

13

The allegations of paragraph 13 are denied for want of information.

14

The allegations of paragraph 14 are denied for want of information.

15

The allegations of paragraph 15 are denied.

16

The allegations of paragraph 16 are admitted.

17

The allegations of paragraph 17 are denied.

51 18

The allegations of paragraph 18 are admitted only insofar as to the allegations containing the statements that defendant registrar acted under the authority of Louisiana Revised Statute Title 18, Section 245; and specifically is denied the allegations that defendant registrar had knowledge of and acted *is* a discriminatory manner.

19

The allegations of paragraph 19 are denied.

20

The allegations of paragraph 20 are denied for want of information.

21

The allegations of paragraph 21 are denied for want of information.

22

The allegations of paragraph 22 are denied for want of information.

23

The allegations of paragraph 23 are denied.

Wherefore, defendant registrar demands judgment dis-

missing the complaint herein filed, together with costs and disbursement of this action.

(S) Jack P. F. Gremillion,
JACK P. F. GREMILLION,
Attorney General, State of Louisiana.
(S) M. E. Culligan,
M. E. CULLIGAN,
Assistant Attorney General.

52 (S) Weldon A. Cousins,
WELDON A. COUSINS,
Special Assistant-Attorney General.
(S) Henry J. Roberts, Jr.,
HENRY J. ROBERTS, Jr.,
Special Assistant Attorney General.
(S) France W. Watts, Jr.,
FRANCE W. WATTS, Jr.,
Franklinton, La.

In United States District Court

Hearing on motion of plaintiff for production of records, etc.; argument; and order granting same

Nov. 9, 1959

Minute entry: Wright, J.

This cause came on this day to be heard on motion of Plaintiff for production of records and inspection, copying and photographing of same.

Present: Mr. Hepburn Many, U.S. Attorney; Weldon A. Cousins, Esq., Henry J. Roberts, Jr., Esq., France W. Watts, Jr., Esq., Attorneys for Defendants.

Argument;

It is ordered by the Court that counsel for U.S. be and he is hereby allowed to take evidence as provided in his said motion; be allowed to take photographs of records in the Office of the Registrary of Voters so as to not disturb the order and conduct of said office. It is further ordered by the Court that counsel for U.S. make a duplicate copy for the Registrar of Voters and other parties concerned.

J.S.W.

53 In United States District Court

Opposition to motion for preliminary injunction by defendant, Curtis M. Thomas

Filed Nov. 13, 1959

Now into court comes the Attorney General of the State of Louisiana, herein representing the defendant Registrar of Voters of Washington Parish, State of Louisiana, Curtis M. Thomas, and without waiving any rights under any motions and exceptions previously filed herein avers:

(1) That an injunction will not lie against the Defendant Registrar in this type of action, as the acts of the Registrar have been completed and that an injunction is not a proper remedy in this action.

(2) That the names of the people who have been removed from the rolls cannot be replaced on the rolls at this time by virtue of Louisiana Revised Statute, Title 18, Section 170.

(3) That the complaint of the government admits on its face that there were in fact mistakes or errors in the registration application of the individuals listed in the herein suit, and therefore admits that these parties have made said mistakes, and also admits that under Louisiana law, this is sufficient grounds to challenge an individual, and that such challenge does not on its face or by its operation discriminate against any individual because of his race or color.

(4) That to allow an injunction to issue in this cause will allow all persons with errors to be re-registered, and a granting of an injunction would in effect indicate that any errors made by anyone would not disqualify them as voters, and
54 this would be in direct conflict with the Constitution of the State of Louisiana, and the laws of this State.

(5) That under Louisiana Revised Statute Annoted, Title 18, Section 245, the Mandatory duty of Defendant Registrar is to comply with State law and mere compliance is not an action which can be said to be discriminatory.

(6) That this court cannot enjoin the operation of a Statute which in effect will nullify a State law, unless the constitutionality of said statute is at issue, which is not at issue in this action.

(7) That the defendant registrar cannot be ordered by injunction or otherwise by this court as he is obeying district court judgment ordering him to perform certain duties as outlined in the Louisiana law, and among such duties is the obligation to accept challenges by registered voters.

Wherefore, the affidavits file and memorandum attached, Defendant Registrar, prays that the motion for preliminary injunction be denied and said request be dismissed, and for all costs in connection with these proceedings.

(S) Jack P. F. Gremillion,
JACK P. F. GREMILLION,
Attorney General.

(S) M. E. Culligan,
M. E. CULLIGAN,
Assistant Attorney General.

(S) Weldon A. Cousins,
WELDON A. COUSINS,
Assistant Attorney General.

(S) Henry J. Roberts, Jr.,
HENRY J. ROBERTS, Jr.,
Assistant Attorney General.

(S) France Watts, Jr.,
FRANCE WATTS, Jr.,
Personal Attorney for Def. Registrar.

55 Testimony of Curtis M. Thomas

(Number and Title Omitted.) (Filed: November 13, 1959)

Testimony of Curtis M. Thomas, taken by the Plaintiff, by agreement, pursuant to the provisions of the Federal Rules of Civil Procedure, at the offices of the United States Attorney, 637 Federal Office Building, New Orleans, Louisiana, beginning at 2:00 o'clock p.m., on Monday, November 9, 1959.

Before: Helen R. Dietrich, Notary Public in and for the Parish of Orleans, State of Louisiana.

Appearances

For the Plaintiff: M. Hepburn Many, Esq., United States Attorney, 637 Federal Office Building, New Orleans, Louisiana.

For all Defendants except Curtis M. Thomas, Registrar of Voters of Washington Parish, Louisiana: Messrs. Meadors,

Shaw & Meadors, P.O. Box 209, Homer, Louisiana. By: W. M. Shaw, Esq.

For Curtis M. Thomas, Registrar of Voters of Washington Parish, Louisiana: Weldon Cousins, Esq., and Henry J. Roberts, Esq., Special Assistant Attorneys General, State of Louisiana, 104 Supreme Court Building, New Orleans, Louisiana.

56 For Curtis M. Thomas, personally: France W. Watts, Jr., Esq., P.O. Box 248, Franklinton, Louisiana.

STIPULATION

It is stipulated and agreed by and between the parties that the testimony of the Defendant, Curtis M. Thomas, may be taken by the Plaintiff, for purposes of Discovery, pursuant to the provisions of the Federal Rules of Civil Procedure; that the testimony of the witness may be taken down in shorthand (Stenotype) by Helen R. Dietrich, and by her transcribed, the formalities of signing, sealing, certification and filing being waived, and all objections, save objections to the form of the questions, being reserved to the time of trial.

It is further stipulated that the testimony may be taken before the said Helen R. Dietrich in her capacity as Notary Public in and for the Parish of Orleans, State of Louisiana.

CURTIS M. THOMAS having been first duly sworn, was examined and testified as follows:

Cross-examination by Mr. MANY:

Q. Mr. Thomas, give us your full name for the sake of the record, please, sir.

57 A. Curtis M. Thomas, Registrar of Voters of Washington Parish.

Q. Where in Washington Parish do you live?

A. Franklinton, Louisiana.

Q. What is your home address there, sir?

A. It's Bogalusa.

Mr. WATTS. Off the record.

(Discussion off the record.)

A. It's Bogalusa, Louisiana. I live in Bogalusa, but I work in Franklinton, and Franklinton is the Parish seat.

Q. What is your home address in Bogalusa?

A. 723 Ontario, Bogalusa.

Q. What is your occupation?

A. Registrar of Voters of Washington Parish.

Q. How old a man are you, sir?

A. Thirty-six.

Q. How long have you been the Registrar of Voters of Washington Parish? How long have you held that office?

A. September 19, 1949.

Q. September, 1949?

A. Yes, sir.

Mr. COUSINS. Is that 1948 or 1949?

The WITNESS. It is 1949.

Q. At the time you took office as Registrar, what sort
58 or type of registration did Washington Parish have, that is, was it permanent or periodic registration?

A. Periodic registration.

Q. Is it the same now as it was then?

A. No, sir. We went under permanent registration May 31, 1958, under permanent.

Q. That was in May of last year?

A. Yes, sir.

Q. In connection with the change from periodic to permanent, was there a review of all the voters registered in the parish?

A. Sir, didn't have too many registered. Started the new registration in '56. The ones that registered between the time the permanent registration went in was drafted under, and we made a form for them to sign, and they signed it and sent it back, and that is what we use at the polls now to make up the book, the registration book.

Q. Now, if I may rephrase that so that I will be sure that I understand it——

A. Yes, sir.

Q. There was a regular periodic registration called for beginning 1956?

A. Yes, sir.

Q. How long would that have lasted if you hadn't changed to permanent registration?

A. It would have lasted to '60, through '60.

Q. Through '60?

59 A. Yes.

Q. And those that registered starting in 1956 were just, as you expressed it, "drafted in" when the parish became permanent registration?

A. Yes, sir.

Q. And that was in 1958?

A. Yes, sir.

Q. (Exhibiting document to witness and counsel) I have here a Form LR-1, entitled "Form of Application for Registration, Office of Registrar of Voters, Parish of Washington, State of Louisiana."

Mr. SHAW. They print these differently in each parish. There is the same subject matter on them, but the printing—that appears to be one for Washington Parish. That is why I was looking at it.

Mr. MANY. This, of course, is a blank form.

Q. This is such a form as your office uses?

A. Yes, sir.

Q. How long has your office used such forms?

A. Well, they was using that form when I went in there, sir. It's always been the custom.

Q. Is this form used with every registered voter?

A. Yes.

Mr. MANY. I ask that the court reporter identify this as "G-1". "Government-1", and append it to the deposition.

60

(Whereupon, the form referred to by counsel was duly marked for identification as "Exhibit G-1.")

Q. Now, Mr. Thomas, how is this card used?

A. Well, when the voter comes in, he is given this card and he fills it out,

Q. The voter himself fills it out?

A. Yes, sir.

Q. Do you have anything at all to do with the card?

A. Yes, sir. We check the card when he gets through. Then we give him a receipt.

Q. I note on the bottom, in the bottom right, they have, "Sworn to and subscribed before me * * *" and a place for——

A. Yes, sir, and I sign it.

Q. You sign it?

A. Yes, sir.

Q. Now how was this card used in your office?

A. Well, then, after it is completely filled out, we file that card, like in alphabet order, by wards and precincts. Everybody from Ward 1, Precinct 1's card is filed separate from any other ward or precinct, and they are filed all the way back. Each ward is separated.

Q. Each ward is separated?

A. And each precinct.

Q. And then within the ward each precinct is separated?

A. Yes, sir.

Q. Is there any separation of these cards on any other
61 basis than by ward and precinct?

A. No, sir.

Q. Now you have testified that permanent registration came in in 1958, and starting in 1956 and on up until then these cards were filled out for all the voters in your parish?

A. Yes.

Q. When permanent registration was made applicable in May of 1958, how did the number of voters then on the rolls compare with what they had been in 1956?

A. Well, we mailed them a form to——

Q. I am not sure I made myself clear to you. Was there the same, a larger, or a smaller number of voters on the registration rolls in 1958, May of 1958, as there had been, let's say, in the same month of May of 1956?

A. Yes, sir. I would say they were smaller.

Q. There was a smaller number of 1958?

A. Yes, sir, because the ones that didn't send in their forms was taken off the rolls.

Q. I see. The ones that hadn't sent in their forms were taken off?

A. Yes.

Q. So actually in '58 you had less than you had in '56?

A. That is right.

Q. Was there a substantial number less? Could you estimate it? What is the total number of registered voters as of '58? Can you answer that question?

A. Offhand I couldn't, sir.

62 Q. Is there any place where an official tabulation is kept?

A. Yes, sir, I think probably. We send in a monthly report to Baton Rouge, and we also have a monthly report, but we didn't send in the reports because we knew that we was going under permanent registration and there was a lot of people that did not register for the simple reason they was going to wait and register permanently and then they'd be through with it.

Q. I see. I see. In other words, there were a number to register after May of '58?

A. Yes, sir.

Q. Now in this permanent registration which you have, there are, of course, the laws that apply to it?

A. Yes.

Q. I assume that you as Registrar know the general effect of those laws. Does the Louisiana Registration Law for a permanent registration parish provide a means by which the voters themselves of a parish, of a particular parish, may challenge the right of other voters to remain on the registration rolls?

A. Yes, it is.

Q. Would you explain how that is done, sir?

Mr. SHAW. Let me say that I want to interpose an objection at this point because the law itself is the best evidence of its own content. I think you have already placed that in evi-
dence, have you not, in your pleadings? You did quote
63 the law on the subject, as I recall.

Mr. MANY. We did, sir, we specifically alluded to the law in the complaint filed in this action.

Mr. SHAW. And I object to letting the Registrar state what the law is. I think the law should speak for itself.

Mr. MANY. Mr. Shaw, perhaps when you follow the line of questioning—your objection, of course, is well taken as to what the law itself says, but what I am going to attempt to elicit is how, physically and specifically, in Washington Parish the law is put into effect, that is, what forms are used and so forth.

Mr. SHAW. In other words, you are asking him what he does?

Mr. MANY. Yes, sir. If you have any further objection——

Mr. SHAW. I want my objection noted, if there is an attempt to try to state what the law is.

Mr. MANY. If I ask for a legal interpretation on the part of the witness, Mr. Shaw; you are quite right, sir.

Q. It is your understanding, to get us back to the question, that the law does provide such a method?

A. Yes, sir.

64 Q. In Washington Parish, how would that purpose be effected, that is, how would people carry that into effect?

A. Well, any two qualified voters can come into the office and challenge anyone that they like, challenge anyone for misfilling their card out correctly or whether they have lived there the required length of time. Then the person that has been challenged——

Q. Wait. Let me interrupt you there just for a moment. The records, these cards, are available to the inspection of any registered voters?

A. To qualified registered voters of the parish.

Q. How would they challenge this?

A. They'd come in there and they'd go through the files, and whatever they challenged and signed an affidavit on them, they would state on the affidavit what was wrong with it.

Q. When you say "on the affidavit," is there a form of that, sir?

A. Yes, sir, there is.

Q. What is the number of that form? Do you recall?

A. I believe it is 17.

Q. (Exhibiting document to witness and to counsel.) I show you a form, LR–17.

A. That is it, sir.

Q. This is entitled, "Affidavit in Case Registration of Voter is Challenged." Now this one has been filled out. It may be subject to Mr. Shaw's objection here. Now without any discussion of the contents there, is that the type of form

65 that you use in Washington Parish?

A. Yes, sir.

Q. How large a staff do you have, sir?

A. Just myself and one deputy.

Q. And who is the deputy?

A. Frankie Thomas.

Q. Is she any relation to you?

A. No, sir. She was married formerly to a Knight, and he passed away, and now she is married to a Thomas.

Q. Would you recognize her signature?

A. Yes, I would.

Q. Could you say whether this is one of the challenges filed in your office?

A. Yes, sir.

Mr. SHAW. Now I object unless he can identify all of the contents of that as being one of the challenges filed in his office, as well as identifying the signature. Do you remember of your own knowledge or are you just saying that because he offered it to you, Mr. Thomas?

The WITNESS. This is a form that appears to be Mr. McElveen's signature and Mr. Farmer's and Mrs. Thomas's.

Q. You recognize the signatures—is that it?— but you don't know about the challenge itself?

A. Yes, sir. As far as the name, the person challenged, I don't know that.

66 Mr. SHAW. Then I object to that being introduced in evidence, for want of proper identification.

Mr. MANY. I ask that this be marked "G-2", and, of course, it will go in subject to Mr. Shaw's objection.

(Whereupon, the document referred to by counsel was duly marked for identification "Exhibit G-2.")

Q. Now we have gotten as far as the challenge. That is the Form LR-17 as filled out by two registered voters?

A. Yes, sir.

Q. Is that sworn to or subscribed in any way?

A. Yes, I think down at the bottom where we sign it there.

Q. Now after this challenge—I will call it a challenge—after this challenge has been filled out in the case of any particular voter, what then takes place? What do you do?

A. They have ten days to come in.

Q. Well, do you do anything on the basis of this?

A. I mail it.

Q. You mail the challenge itself, the affidavit?

A. With the copy of the one that I fill out here (indicating).

Q. Now you are pointing to Form LR-14B, "Printed Citation of Notice to Erase." Is this one such as is used?

Mr. MANY. It's the same individual (handing docu-

67 ment to Mr. Shaw.)

Mr. SHAW. I am sure it is.

Mr. MANY. Off the record.

(Discussion off the record.)

Q. I note that this also bears the signature of Frankie K. Thomas. Do you recognize that signature?

A. Yes, sir.

Q. And the person challenged is the same as in the Form LR-17, which has been introduced?

A. Yes, sir.

Mr. SHAW. I'd like to make my objection to this the same as I made to the other, and ask that it be noted.

Q. Subject to Mr. Shaw's objection, do you recognize this?

A. Yes, sir.

Q. For the moment setting aside that it is filled out, the form itself is one that is used in Washington Parish?

A. Yes, sir.

Q. Now going back to the contents of the form written in, as to that do you recognize the signature of Frankie K. Thomas?

A. Yes, sir.

Q. Now you say this, the Citation of Notice to Erase, is sent out together with the affidavit to the person challenged?

68 A. Yes.

Q. Is there any other document or form sent out at that same time?

A. No, sir.

Q. What then has the challenged voter to do?

A. He has ten days in which to come in with two qualified voters and sign an affidavit that his card is complete, or whatever is written on the affidavit as wrong, and then they sign, and I leave it on the rolls.

Mr. MANY. I ask at this time, subject to Mr. Shaw's objection, that this be introduced into evidence and marked "G-3" for "Government-3."

(Whereupon, the document referred to by counsel was duly marked for identification "Exhibit G-3.")

Q. Now has this method of challenging been used with any frequency at all since Washington Parish became a permanent registration parish?

A. Yes, sir, we have had quite a few challenges.

Q. Could you estimate the number of challenges since the permanent registration, May, 1958?

A. About 1,387, somewhere thereabouts.

Q. Of these generally have there been a few individuals to do most of this challenging?

A. A few individuals.

Q. Do you know those individuals?

A. Yes, I do.

69 Q. Who are they?

A. Mr. Diaz McElveen, Mr. Ray McElveen, Mr. Saxon Farmer, and Mr. Eugene Farmer.

Q. Those are the individuals named defendants in this matter now?

A. Yes, sir.

Q. What proportion of the total challenges did those four account for, in your opinion?

A. I'd say 98 percent, somewhere around there.

Q. Are you familiar with the general contents of these challenges?

A. Yes, sir.

Q. You have seen them yourself?

A. Yes, sir.

Q. What is the usual reason given in the affidavit, that is, this Form 17, on which the challenge of the registration is based?

A. Misspelling and correction of the age, figuring their age, and there was a few with illegible handwriting.

Q. The first two are the great number?

A. Yes, sir.

Q. Are there any having to do with the alleged moving of the voter out of the parish?

A. No, sir. You mean where he has lived in another parish the required length of time?

Q. Where he has moved out of Washington Parish.

A. No, sir.

70 Q. Have there been some challenges—let me rephrase this so that there will be no misunderstanding: were any of these challenges of people who had moved out of the parish?

A. No, not to my knowledge, no, sir.

Q. That is, of the group by McElveen and the others?

A. No, sir.

Q. How about the others? What was the basis on which those challenges were made?

A. Well, I have had a very few challenged lately for not living in the parish, hadn't lived in the parish the required length of time or they had moved from the parish and had been gone more than a year and they are supposed to vote in some other parish.

Q. Then you have had some challenges on that?

A. Yes.

Q. Of the challenges by the four you have named, the two McElveens and the two Farmers, you testify that none of those was on that basis of the voter having moved out of the parish?

A. All of theirs was on the grounds that they have misspelling on the cards, their age was wrong, or they had—in other words, their card was incomplete in some way or another.

Q. And it had either a defect or a deficiency?

A. Yes, sir.

Q. Now you are familiar with the great bulk of these cards? You use them every day?

A. Yes, sir.

71 Q. Approximately how many voters are now registered to vote?

A. I'd say approximately 15,000. We are not up to date on counting. We have been trying to get our count in, but we haven't yet completed it.

Q. You have just closed the rolls, haven't you, last week I believe it was?

A. Yes, sir, yes, sir.

Q. And there was quite a run at the last minute to qualify?

A. Yes, sir.

Q. Those have not been included as yet in your total?

A. They have not been included. They are included in. I'd say, the approximately 15,000. When we get through counting, I think we will have about 15,000 qualified voters in Washington Parish.

Q. Of the total cards of the presently current voters, that is, the voters eligible to vote now on December 5th in the primary at that time, how many or what proportion of those cards would you estimate could contain the same kind of defects or deficiencies as the cards challenged by the four named defendants?

Mr. SHAW. I am going to object to that unless you can first qualify him by showing that he has made a study of every individual card in there so that he would be in a position to know it for that purpose and can state it of his own
72 knowledge. That is calling for an opinion by a person who is not in a position to give it, in my opinion.

Mr. MANY. In response to that objection, I point out that Mr. Thomas has been asked whether he is generally familiar with the contents of these cards and deals with them in his everyday, day-by-day activities, and he has answered in the affirmative, and my position is that the question should be answered. Subject to Mr. Shaw's objection, I ask Mr. Thomas to answer the question. That, of course—let me explain here, Mr. Thomas—is a matter of legality. At the time of the introduction of this, there will be a ruling by the court on whether or not it is to be——

Mr. SHAW. In other words, my objection is for the court and you answer subject to my objection, you see.

Mr. WATTS. You go ahead and answer.

A. I'd say about half.

Q. That is about half of the total number presently registered?

A. Yes.

Q. And entitled to vote. Now of this number you said somewhere around—you named the figure 1,387 as being challenged—now what number of that, do you recall, were of white voters?

A. I believe it was ten of them, sir.

73 Q. And the others were what?

A. Colored.

Q. All Negroes?

A. Yes, sir.

Mr. MANY. That is all I have for now, sir. Off the record.

(Discussion off the record.)

By Mr. SHAW:

Q. Mr. Thomas, you were a plaintiff in a lawsuit, I believe, in connection with these challenging procedures by Mr. McElveen and the others, were you not?

A. Yes, sir.

Q. You went into the District Court and asked the Court to direct you what to do in connection with it?

A. Yes, sir.

Q. And the court did direct you, did it not?

A. Yes, sir.

Q. It ruled that the challenges were legal and that you were required to——

Mr. WATTS. I am going to object. The judgment of the court speaks for itself.

Mr. SHAW. Do we have a copy of the judgment in the record?

Mr. MANY. We do—not in the record.

74 Mr. SHAW. I have one here.

Mr. MANY. Would you want to file that at this time?

Mr. SHAW. I'd just as soon file it.

Q. (Exhibiting document to witness.) Will you take a look at that and see if that is a copy of the judgment that was obtained.

Mr. MANY. I might mention, Mr. Shaw, that I had intended to get one by now and file it. I have only this Thermofax copy. Off the record.

(Discussion off the record.)

Mr. WATTS. All parties concerned admit that this is a copy of the judgment issued by the District Court in and for Washington Parish on the 6th day of April 1959, Civil Docket No. 18,751, said suit having been brought by Curtis M. Thomas. Is that all right, Mr. Shaw?

Mr. SHAW. Let's identify it. Let it be offered in evidence as "Exhibit DE–1."

Mr. WATTS. Also as an exhibit for Mr. Curtis M. Thomas.

Mr. COUSINS. May I ask that the document which is to be marked "DE–1" be marked also "DR–2," as it has been

75 so marked previously for identification.

(Whereupon, the document referred to by counsel was duly marked for identification as "Exhibit DE–1 & DR–2.")

Q. Now pursuant to that judgment, what action did you take with regard to the cards that had been challenged?

A. I taken them all off the rolls after the court decision.

Q. You removed the cards only after you received that judgment. Is that right?

A. True.

Q. And struck the people who were registered from your voting rolls. Is that correct?

A. Yes.

Q. And the status of those individuals at this time is that they have been removed from the rolls. Is that right?

A. Yes, sir.

Q. Now how many of those people who were challenged appeared and attempted to reinstate themselves as voters on the registration rolls in accordance with the laws that you have previously quoted?

A. Mr. Shaw, I couldn't answer that, because I wouldn't know.

Q. You don't know——

A. —how many have been back in.

Q. Has any large percentage of them tried to do that?

A. No, sir.

Q. In the main, they did not attempt to file counter
76 affidavits. Is that correct, generally speaking?

A. There was a few that signed the affidavits; and I left them on. I believe there was one or two that did come in and sign the affidavit.

Q. The ones who filled out the counter-affidavits correctly you left on. Is that right?

A. Yes, sir.

Q. Now how many of those people who have been challenged have attempted to re-register anew?

A. Not too many of them, sir. I wouldn't be able to give you a number. I don't know how many.

Q. Have any of them?

A. I have had a few.

Q. Were they successful in re-registering?

A. Yes, sir, some was.

Q. Some were, you say?

A. I believe. I couldn't give you the number, maybe 18 or 20, I don't know.

Q. Was that all of those that tried to re-register or only a portion of them that tried to re-register that were successful in getting re-registered?

A. I don't know. I usually ask them if they had been challenged. If they had—well, I'd give them the card and he'd fill it out correctly and I'd put him on the rolls.

Q. What if they didn't fill out the card correctly? You'd leave them off?

A. I'd leave them off, yes, sir. I'd say I haven't had
77 over eight or ten in my office.

Q. So, in general, there's been no real attempt to use our laws for those people to get back on. Is that right?

A. No, sir.

Q. Now what is the status of this particular suit that you have filed now?

Mr. WATTS. Just a minute. You mean whether there has been an appeal or anything like that? We'll admit there has been no appeal on the suit.

Mr. SHAW. Let's admit something further.

Q. You agreed to abide by the judgment, did you not?

A. Yes, sir.

Mr. WATTS. Wait a minute now, Mr. Shaw. Let's get Mr. Thomas—you say he agreed to abide by the suit?

Mr. SHAW. Yes.

Mr. WATTS. Let's say he is abiding by it ever since the judgment has been rendered, he is abiding by it.

Q. Do you want to answer that to say, "I did abide by it," or "I am abiding by it and have abided by it ever since it has been rendered"?

A. Yes, sir.

78 Mr. WATTS. That is right. Please, sir, Mr. Shaw.

Q. Now to get back to the challenges, isn't it true the vast majority of them are based on failure to compute their age properly?

A. No, sir, I couldn't answer that, because I don't know if the vast majority was on that grounds or not.

Q. In other words, you made no attempt to find out what the grounds were other than just looking at them as you went through. Is that right?

A. We checked them to see if they was wrong before we sent the challenges out.

Q. You don't know what percentage were based upon, for instance, failure to compute their age correctly?

A. No, sir.

Q. As against illegible handwriting, for instance?

A. No, sir, I couldn't give you that.

Q. Or misspelling?

A. No, sir, I couldn't give you the number of them.

Q. Now you said the Form LR-1 was used for every voter, the form that he showed you. The printed form is not used for every voter, is it, the one he showed you?

A. Well, we have a form——

Q. For illiterates and for the physically handicapped that varies from that one, do you not?

A. Yes, sir. The wording is the same but the color is different.

Q. Well, there is also a difference in the statement
79 on the top of the card?

A. Yes, sir. It states the reason why.

Mr. MANY. Thank you, Mr. Shaw.

Q. Now you said that all you do in connection with the card is check the card for irregularities and then sign it?

A. Yes, sir.

Q. Is that correct?

A. Yes.

Q. Isn't it true you also give the card a designating number?

A. Not under permanent registration.

Q. You did on the previous cards before permanent registration?

A. Yes, sir.

Q. And on the back of the card you do frequently fill in changes of address and you also fill in changes of party and changes of ward and precinct number yourself when they move, do you not?

A. Yes, sir.

Q. What do you understand your duties to be in connection with registering a voter when he comes to apply for registration insofar as what tests you are to require of him?

A. We require him to fill that card out. He is required to live in the state for one year and in the parish for a year, and he must be 21 years of age, must be living in the precinct the required length of time.

80 Q. Well, when you say you require him to fill out that card, do you require him to fill it out completely?

A. Yes, sir.

Q. Correctly?

A. Yes, sir.

Q. If he fails to fill it out correctly, is it your understanding that you are supposed not to register him?

A. I understand that, Mr. Shaw, yes, sir.

Q. And, if he fails to fill it out correctly, is it your understanding that you are not supposed to register him?

A. Yes, sir.

Q. If he fails to compute his age correctly, do you understand that that is an error for which he is subject to being denied registration or removed, if he is registered?

A. Yes, sir.

Q. Now isn't it true that these laws have not been enforced, that those duties were traditionally not enforced before the last year or two?

A. Yes, sir. When I went in office—let's put it like this—it had been a custom when I went in office if there was minor mistakes, they'd been accepted in the past, and I did.

Q. And the Registrar frequently filled in the card for the people as a matter of fact, did he not?

A. Yes, sir.

Q. And there is a mandatory law at this time, as you know, to the contrary?

A. Yes, sir.

81 Q. And these errors that you spoke to Mr. Many about being in so many cards, is that a hang-over from that period back there when the laws were not enforced?

A. Yes, sir.

Q. Most of that?

A. Yes, sir.

Q. In recent months you have been enforcing the law is what I am saying, specifically in the category of——

A. Yes, sir.

Q. Have you in your administration of your office, either in registering or in handling of challenges, discriminated against Negroes or colored people?

A. No, sir, I have not.

Q. And have you discriminated in favor *or* white people?

A. No, sir, I haven't discriminated against anyone.

Q. You have tried to administer your office completely impartially?

A. Yes, sir.

Q. And fairly?

A. Yes, sir.

Q. How about your deputy, as far as your know?

A. As far as I know, she does, too.

Q. Now in your position, as I understand it, in your action when you removed these people from the rolls, you did it pursuant to a court order?

A. Yes, sir.

Q. A Louisiana Court order that directed you to do that?

82 A. Yes, sir.

Q. And you had a previous court order, I believe, against you, did you not?

A. Yes, sir.

Q. That court order was discussed, too, was it not, in this case that you——

A. Yes, sir.

Q. And do you recall whether or not the Judge ever discussed with you whether or not you were violating that court order in obeying his court order, the local judge?

Mr. MANY. Mr. Shaw, I do feel all of this goes to the judgment itself. It specifically provides——

Q. I believe the judgment provides that the Judge will discuss and take up with you, does it not, any problems you may have in the conduct of your office? That is in the judgment? That is what I am asking. Has he done so?

Mr. MANY. Just let me see, sir, if I understand that you have asked if he has actually discussed, subsequent to this judgment, discussed this with the Judge.

Mr. WATTS. Judge Barnett. Has he talked to you about it since he rendered this judgment

The WITNESS. Yes, sir, Judge Barnett told me to go with this decision here.

83 Q. And did he not tell you that there was no conflict between this and the previous injunction which was against you?

A. Yes, sir, he told me.

Q. And it is your understanding in acting under this you are not acting contrary to any other injunction or order that has been issued?

A. Yes, sir.

Q. When was the last of these challenges by Mr. McElveen and the other people whose names you mentioned as challenging on the face of the cards—when was the last of those issued, to your knowledge, to the best of your knowledge?

A. It's been several months ago.

Q. A good many months before the books closed?

A. Yes, sir.

Q. So that there was ample opportunity if anyone wanted to try to re-register?

A. They hadn't been in my office in several months.

Q. And there had been no attempt to challenge any people in several months?

A. No, sir.

Q. In your checking of these cards, of these challenges, were the cards challenged erroneous on their face? Did they have the errors that were complained of?

A. Yes, sir.

Q. They did contain those errors?

A. Yes, sir.

84 Q. And you were following out your duties in sending out these challenges?

A. Yes, sir.

Mr. SHAW. That is all.

Direct examination by Mr. COUSINS:

Q. Mr. Thomas, did you feel that you had any power of discretion as to whether or not you should send out a notice of challenge after the affidavits of challenge were made to you? Did you feel that you had any discretion or did you feel you must necessarily follow the State Law and the previous judgment and the injunction against you?

A. Yes, sir.

Q. So you didn't exercise any discretion arbitrarily or otherwise?

A. No, sir.

Q. You felt it mandatory upon you to send out those challenges?

A. Yes, sir.

Q. Again I will ask the question that was asked before: Have you in any way been arbitrary or intentionally discriminating against any registered voter; either new or challenged, because he might have been a member of the colored race or the Negro Race?

A. No, sir, I haven't.

Q. Now in the recent enforcement of the laws com-

85 pelling you to have the registrant himself fill out the card, have you or any member of your office been in-

tentionally or arbitrarily discriminatory against any member of the colored race?

A. No, sir.

Q. Since this suit has been filed, this present suit in which this deposition is being taken, have any of the challenged people who were stricken from the rolls attempted to re-register?

A. Not of my own personal knowledge. There may have been a few of them that were challenged that came back in and registered, but the ones that is on the suit, no, sir, they have not.

Q. You don't know whether since the time of filing of this suit—or not—you wouldn't be able to say definitely none of them have tried since the filing of this suit?

A. No, sir, I don't think so. They could have come in. I don't know. We have got a lot of people to come in, but whether or not they was the ones, I couldn't say without checking the records.

Q. And the signature on the bottom of the registration cards, the LR-1, are those actually signed by you in person or is there a stamp you used on some occasions?

A. Well, in some cases I have cut a stencil with my signature on it, and those cards were put in a vault and locked; and as the day went by, whatever I needed, I'd take 15 or 20 cards.

86 Mr. COUSINS. That is all.

Further cross-examination by Mr. MANY:

Q. In connection with a voter getting back on the rolls or rather answering the challenge, was there any form of affidavit prepared for you or suggested to you which that voter would have to sign to get back on the rolls after being challenged?

A. Yes, sir.

Q. (Exhibiting document to witness.) I show you a form which bears no number. It is called or entitled "Affidavit to be used in answer to challenges, State of Louisiana, Parish of Washington." Was that the form suggested to you to be used?

A. Yes, sir.

Q. That is the form?

A. Yes.

Q. Who was it that suggested that?

Mr. MANY. These are blanks, Mr. Shaw.

Mr. SHAW. I am familiar with it.

A. This form was—I forget what number it is—it's in the Revised Statutes and it has a number in there, but it had been changed for what reason they were challenging—we would put that in there. That is the form.

Q. What individual was it that suggested that this form be used, in other words, Mr. Thomas?

87 A. Mr. Gremillion, Jack Gremillion.

Q. Is that the Attorney General of the State of Louisiana?

A. Yes, sir.

Q. You have these on file in your office?

A. Yes, sir.

Q. And this is what would be used. Is that correct, sir?

A. Yes, sir. Mr. Gremillion sent me a copy of that. I called him and asked him.

Mr. MANY. I ask that this be marked "G–4," and made a part of this record.

(Whereupon, the document referred to by counsel was duly marked for identification "Exhibit G–4.")

Mr. SHAW. I would just like for you to state: Mr. Gremillion is Attorney General of the State of Louisiana and, as such, is your legal advisor as Registrar of Voters?

The WITNESS. Yes, sir.

Mr. SHAW. That is all.

Mr. MANY. No further questions.

(Thereupon, at 3:00 o'clock p.m., the taking of the witness's testimony was concluded.)

87–A

Date Registered
____ 195__

Form LR-1
FORM OF APPLICATION FOR REGISTRATION
OFFICE OF REGISTRAR OF VOTERS
Parish of Washington, State of Louisiana

Ward No. _____
Prct. No. _____
Cert. No. _____

RESIDENCE No. _____

I am a citizen of the United States and of the State of Louisiana.
My name is Mr.-Mrs.-Miss _____ I was born in
State (or country) of _____ Parish (or county) of _____
on the _____ day of _____ in the year _____. I am now _____ years,
months and _____ days of age. I have resided in the State since _____
in this Parish since _____ and in Precinct No. _____, in Ward No. _____
of this Parish continuously since _____. I am not disfranchised by any provisions of the Constitution
of this State. The name of the householder at my present address is _____
My occupation is _____ My color is _____ My sex is _____
I am not now registered as a voter in any other Ward or Precinct of this State, except _____
My last registration was in Ward _____ Precinct _____
I am now affiliated with the _____
Signature _____
Sworn to and subscribed before me, _____

Helen B. Dutrow
Helen Bourgeois, Official Registrar
DATE 11/4/57

_____ (Deputy) Registrar

87–B

CHANGE OF ADDRESS

Date _____ Residence _____ Ward No. _____ Prct. No. _____ Cert. No. _____
Date _____ Residence _____ Ward No. _____ Prct. No. _____ Cert. No. _____
Date _____ Residence _____ Ward No. _____ Prct. No. _____ Cert. No. _____
Date _____ Residence _____ Ward No. _____ Prct. No. _____ Cert. No. _____
Date _____ Residence _____ Ward No. _____ Prct. No. _____ Cert. No. _____
Date _____ Residence _____ Ward No. _____ Prct. No. _____ Cert. No. _____
Name of Employer _____
Property owner _____ Tenant _____ Boarder _____

CHANGE OF NAME

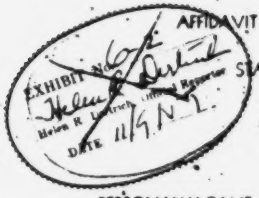
I am now Mr.-Mrs.-Miss _____ Date of Change _____
Nature of change _____

REMARKS

Color of Eyes _____
Mother's First and Maiden Name _____

540111—60—5

87-C GOVERNMENT EXHIBIT NO. 2



AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

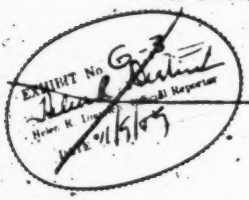
STATE OF LOUISIANA—PARISH OF [illegible]

PERSONALLY CAME AND APPEARED BEFORE ME [illegible]
(DEPUTY) REGISTRAR OF VOTERS IN AND FOR THE PARISH OF [illegible]
STATE OF LOUISIANA.
[illegible] AND [illegible]
WHO BEING DULY SWORN, DO DEPOSE AND SAY:
THAT THEY ARE BONA FIDE REGISTERED VOTERS OF THIS PARISH, THAT AFTER REASONABLE INVESTIGATION BY THEM, AND EACH OF THEM, AND ON INFORMATION AND BELIEF, THAT [illegible]
REGISTERED FROM [illegible] North Rosenwald
(Municipal number and street, if any)
TO WHOM WAS ISSUED REGISTRATION CERTIFICATE NO. [illegible] WARD 4
PRECINCT 2, OF THIS PARISH, IS ILLEGALLY REGISTERED OR HAS LOST HIS OR HER RIGHT TO VOTE IN THE PRECINCT, WARD OR PARISH IN WHICH THEY ARE REGISTERED, FOR THE FOLLOWING REASONS:
Misrepresentation of application
AND SHOULD BE ERASED FROM THE OFFICIAL PRECINCT REGISTER OF WARD 4 PRECINCT, 2 THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF CAUSING SAID NAME TO BE ERASED.
SWORN TO AND SUBSCRIBED Eugene Farmer
BEFORE ME, ON THIS 2
DAY OF April 1967 E. A. McElveen
Franklin K. Thomas
(Deputy) Registrar of Voters

87-D

GOVERNMENT EXHIBIT NO. 3

PRINTED CITATION OF NOTICE TO ERASE



STATE OF LOUISIANA, PARISH OF Ward

REGISTRATION OFFICE

CITATION TO APPEAR

FROM: Frankie K Thomas Registrar of Voters

TO Carne K Morgan 1636 Ave E Ry Jr

PARISH OF Ward

STATE OF LOUISIANA

BRING THIS NOTICE WITH YOU

YOU ARE HEREBY NOTIFIED, THAT ON OR BEFORE THE 2nd DAY OF May 19 57 A PERIOD OF TEN DAYS FROM THE MAILING DATE OF THIS CITATION, DURING OFFICE HOURS, YOU ARE TO SHOW CAUSE IN PERSON IF ANY YOU HAVE, BEFORE THE UNDERSIGNED REGISTRAR OF VOTERS FOR THE PARISH OF Ward STATE OF LOUISIANA, WHY YOUR NAME SHOULD NOT BE ERASED FROM THE OFFICIAL PRECINCT REGISTER OF WARD NO. 4 PRECINCT NO. 2 CERTIFICATE NO. IN ORDER TO RETAIN YOUR REGISTRATION YOU ARE REQUIRED TO PRODUCE THREE DULY REGISTERED VOTERS OF THIS PARISH TO MAKE OATH BEFORE THE UNDERSIGNED THAT YOU ARE LEGALLY REGISTERED.

By Frankie K Thomas Registrar of Voters

LOUISIANA

22 DAY OF April 19 57

87-E GOVERNMENT'S EXHIBIT NO. 4

I.R.....

Affidavit To Be Used in Answer to Challenges, State of Louisiana—Parish of Washington

Personally came and appeared on this the .... day of ..... 19.... before me, ... (Dep.) Registrar of Voters in and for the Parish of Washington, State of Louisiana, ...
and ..... who being first duly sworn by me, do depose and say:

That they are each personally acquainted with ....., registrant; that they have investigated the facts of the case, and of their own personal knowledge know that ..... now resides at ..... St., Prct. No. ....., Ward No. ..... of this Parish, and has continuously resided in that precinct and ward for the past .... months, and during that time has resided at the address aforesaid, and has resided in the Parish of Washington for a period of .....;

That the Registrant was challenged on the following grounds, to-wit;

.....
.....

That each affiant further attests that to his personal knowledge, ... is legally registered and that none of the above listed grounds of challenge are true and correct. That this affidavit is made for the purpose of causing said registrant to be retained on the registration rolls.

.....
.....

Sworn to and subscribed before me, this .... day of ..... 19.....

_____

(Deputy) Registrar of Voters.

87-F *Defendants' Exhibit Nos. 1 and 2*

Twenty-second Judicial District Court of
Louisiana, Parish of Washington

Civil Docket No. 18,751

CURTIS M. THOMAS

versus

RAY MCELVEEN ET AL.

REASONS FOR JUDGMENT

This is a suit instituted by Curtis M. Thomas, Registrar of Voters of Washington Parish, Louisiana, seeking a declaratory judgment with regard to the legality of the registration of some one hundred fifty-six challenged voters and a temporary and permanent injunction against defendants, Ray McElveen and Saxon Farmer, enjoining and restraining them from continuing their examination of the voter rolls of Washington Parish. Plaintiff alleges that defendants challenged the contested registrations on the basis of "minor" irregularities contained in the application form of each. As examples of these "minor" errors, plaintiff cites incorrect computation of age and other similar mistakes, which he alleges to be minor.

Pursuant to plaintiff's application, a rule nisi issued ordering defendants to show cause why a temporary injunction should not be granted enjoining and restraining them from continuing their examination of the voter rolls in this parish. A hearing on this rule was set for Friday, March 20, 1959. On the return date defendants filed answer to the rule and an exception of no cause or right of action. The rule was taken up, tried and submitted. Judgment was duly rendered, dismissing the application for a temporary injunction without assessing costs.

Subsequent to the rendition of judgment on the rule, plaintiff and defendants, through their respective counsel, entered a stipulation reoffering the evidence adduced on the trial of the rule and submitting the case on its merits, with the understanding that defendants were to file answer forthwith.

87-G Defendants filed an exception of no cause or right of action, and thereafter they filed their answer, putting the case at issue on the merits.

During the trial of the rule, a chance remark by one of the participants caused the Court to point out the gravity of the issues involved and the importance of any trial which adjudicates the privilege of even one citizen to participate in the processes of his government by means of the elective franchise. It may not be amiss to reiterate those sentiments at this point.

We are blessed to live in a land whose government derives its just authority from the consent of the governed. Millions of brave men and women, throughout history, have sacrificed their lives, their property and their families so that posterity might enjoy the benign and beneficent influences of a government of the people. The representative democracy under which we live is the end result of untold suffering, sacrifice and perseverance. It should never be regarded lightly. It must ever be guarded most carefully. Eternal vigilance is, indeed, the price of liberty!

The tragic history of those great and ancient democracies—Greece and Rome—bears silent witness that such governments carry within themselves the seeds of their own destruction. The greatest danger to any democracy is internal—not external. That danger, resulting in moral internal decay, is the habitual and prolonged abuse of the elective franchise.

It is elemental that in all of the governments of the world there is no such thing as a "pure" democracy. Every civilized country limits its electorate to those citizens deemed sufficiently wise and responsible enough to discharge this solemn function. We are all familiar with such qualifications as those of age, residence and citizenship. Most of us know, also, that the franchise is denied to felons, insane persons and those dishonorably discharged from the military. Our high school civics texts usually point out that many states, also, require some form of intelligence test of a prospective voter. Cheating on any of these qualifications is not an inconsequential matter. When such cheating becomes extensive and
87-H prolonged, it cheapens the value of the vote of every qualified elector and quickly undermines public morale. It is "the customary weapon by which free governments are destroyed."

It is, therefore, the duty of every good citizen, be he an elected official or not, to see that our registration rolls are kept in good order and free from those who would abuse their qualifications. A fortiorari, the Registrar of Voters is duty bound to execute each and every law dealing with the qualification of voters in its full spirit and meaning. The Registrar of Voters is the official custodian of one of our most sacred rights—the right to vote. Therefore, his office is a most important office, affecting the welfare and well-being of every citizen in this State.

Shortly after the first of the year, the Legislature, the Chief Executive and the Attorney General of Louisiana embarked upon an educational program designed to bring about uniform enforcement of voter qualification laws in this State. This would insure, for example, that the ballot of Sam Smith in Caddo Parish would not be nullified by an illegal ballot cast by John Doe, say, in Orleans Parish. This program was extensively reported by the press, and knowledge thereof is so common that this Court may well take judicial notice of it. That such a program was necessary became readily apparent immediately after its commencement. It aroused a great deal of interest among public officials and even ordinary citizens. It is, no doubt, the causa causans of defendants' search for illegal registrations in Washington Parish.

From the evidence it appears that sometime during the month of February, 1959, defendants, and possibly others, undertook a canvass of the registration rolls of Washington Parish and especially the registrations in Ward 4, Precinct 1. They had a legal right to do this. As a result of this canvass, defendants issued, or caused to be issued, one hundred fifty-six challenges to persons who had made various alleged errors on their registration cards (Form LR–1), a test provided for by Art. VIII, Sec. 1, of the Constitution of Louisiana.

87–I Plaintiff, in his official capacity, mailed these challenges, as required by law (LRS. 18; 245). Subsequently, a large number of those challenged returned with three registered voters who made affidavits that the challenged voters were residents of the parish and state. Plaintiff accepted these affidavits as proof of the challenged voters' right to remain registered, even though the challenges were based on irregularities on the face of the registrants' cards, other than

non-residence. Defendants objected to this on the ground that the counter-affidavits did not traverse the challenge and, hence, did not establish the registrant's right to remain on the rolls. In the course of this dispute, plaintiff ordered defendants out of his office and advised them that they would no longer have access to the records. He based this action upon the necessity of preparing for an approaching bond election in Washington Parish. Shortly thereafter, plaintiff instituted this suit, seeking to enjoin defendants from continuing their examination of the rolls and asking for a declaratory judgment.

With regard to the application for a permanent injunction, this Court feels that the exception of no cause or right of action is meritorious, and the application must be dismissed. The law on this point is clear and unambiguous. It is set forth in L.R.S. 18: 92, as follows:

"All of the above records are public records and shall at all times during office hours be open to inspection by any qualified registered voter * * * If the registrar claims that such will seriously interfere (with the registration of voters), he shall arrange to permit such inspection *after office hours*, under the supervision of himself or of any deputy he designates and he shall afford opportunity and facilities for that purpose, *if so requested*, for at least *four hours* in any calendar day, Sundays and holidays excepted." (Italics ours.)

This statute specifically covers the situation com-
87–J plained of. If plaintiff cannot accommodate defendants during office hours, he must arrange "to permit such inspection after office hours." *There are no exceptions or limitations.* Hence, this Court could not issue the requested injunction even if it were of a mind to—which it is not.

In this action plaintiff also sought a declaratory judgment on the following questions:

(1) Does the Registrar have any discretion with regard to accepting or rejecting affidavits which challenge a registration under L.R.S. 18:133 or L.R.S. 18:245, or is he required to take the prescribed action so long as the challenging affidavits are in proper form?

(2) Are the counter-affidavits submitted by the challenged registrants (P–5 through P–142) sufficient to answer the challenge in each case?

(3) If not, what action should the Registrar take with respect to the registration cards of those challenged who sub-

mitted insufficient proof of legal registration but did furnish affidavits stating that they were residents of Washington Parish?

(4) Do the actions required of the Registrar by L.R.S. 18:133 or L.R.S. 18:245 conflict with the injunction of the United States District Court for the Eastern District of Louisiana (Exhibit P-159)?

(5) From what appears in this record, has the Registrar been guilty of nonfeasance, malfeasance, misfeasance, or any other punishable action, as indicated by defendants' counsel?

In response to plaintiff's request for a declaratory judgment, this Court finds that the pleadings and evidence do disclose an actual, bona fide dispute between plaintiff and defendants, with respect to some of the questions set forth and that justiciable issues are presented. Hence, the plaintiff is entitled to a declaratory judgment under the provisions of L.R.S. 13:4231 et sequentes.

The pleadings and testimony of the plaintiff clearly show that he is laboring under the mistaken impression that the registration blank provided by the Constitution (Art. VIII, Sec. 1) was intended only to supply certain information to the registrar of voters. He, apparently, is unaware of the fact that this blank was devised as a test of the applicant's intelligence and literacy. That is why the Constitution specifically provides that it must be "entirely written, dated, and
87-K signed * * * in the presence of the registration officer or his deputy, without assistance or suggestion from any person or any memorandum whatever, other than the form of application hereinafter set forth * * *"

The Supreme Court has many times ruled on this particular point. In the case of Bishop v. Sherburne, 122 La. 429; 47 So. 759 (1902), the Court held:

"The constitutional test was not intended as an idle form, but was the result of the most serious and protracted deliberations in the convention by which the Constitution was framed, and was intended by that body to be literally complied with, as is evident from the language and particular requirements of the article in which it is incorporated. The applicant 'shall demonstrate' his ability to read and write, not by reading or writing anything that he may choose, but by reading and filling the blanks in, a form prescribed, ipsissimus verbis, by the Constitution itself, the doing of which requires, not only the

ability to read and write, but likewise intelligence sufficient to enable the applicant to compute, at least, the number of years, months, and days of his life." (122 La. 431)

This decision has been repeatedly upheld. Lorio v. Sherburne, 122 La. 434, 47 So. 760 (1908), State ex rel Smith v. Dardenne, Reg., 129 La. 835, 56 So. 905 (1911). It is the law today and shall remain so until and if the Constitution is amended.

Once the fundamental significance of this Constitutional test is understood, much of the confusion in plaintiff's mind should be dispelled.

This brings us down to a consideration of the specific questions propounded by plaintiff. Our answer to Question No. 1 is that a careful reading of L.R.S. 18:133 and 12:245 will show that the method of removal of illegally registered voters set up in each of these two sections is unique in that it all but eliminates discretionary action on the part of the Registrar and reduces most of his duties to those ministerial in character. If the challenging affidavit is in proper form and states a ground sufficient in law to justify removal, the registrar must proceed to mail out the citation and duplicate copy of the affidavit. He cannot question the truth or falsity of the affidavit itself. Likewise, if a counter affidavit is presented by three registered voters which "proves" the registrant's right to remain on the registration rolls, the registrar cannot question the truth of the statements contained therein. However, it is quite clear that the counter affidavit, in order to "prove" the registrant's right to remain on the registration rolls, must traverse and specifically deny the accusations and charges in the challenging affidavit. In this respect, the Registrar does have discretionary powers in that he is the sole judge when the counter affidavit by three legally registered voters legally answers the challenge and actually proves the right of the challenged voter to remain on the registration rolls. This is indeed a heavy responsibility on the Registrar and necessitate him to become thoroughly familiar with the law and the jurisprduence on this phase of our registration laws. When such has been done, a prima facie case of perjury on the part of either the challenger or the counter affiants may have been made out, and if apparent perjury is disclosed, the entire matter should be referred to the District Attorney and or the Grand Jury. (Reports and Opinions of the Attorney General,

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1956–1958, p. 183). This question is too vital to the welfare of our State for the Court to "pull punches", regardless of whose toes are stepped on. The Attorney General's Opinions, 1956–1958, pages 182–3–4–5–6, do not clarify the matter very much. What we are badly in need of is new legislation, defining and clarifying the duty of the Registrar in these eventualities. The law is too indefinite and places too great a responsibility on the part of the Registrar to determine when and how the challenged registrant has proved his right to remain on the registration rolls. This Court can easily understand and appreciate the resultant confusion in the mind of the Registrar. The form prescribed by the Legislature—R.S. 18:132 and 133—for three voters to sign proving the right of the challenged registrant to remain on the rolls, appears from its wording to deal with the question of residence alone. Under the form of this affidavit, if the challenged registrant proves his residence by his personal appearance before the Registrar and by the affidavit of three legal voters, he has proved his right to remain on the rolls regardless of his disqualifications 87-M on other grounds than residence. Certainly this could not have been the intent of the Legislature. This question needs clarifying badly. The duties and discretion of the Registrar should be made more certain and definite and better forms provided for the Registrar's use.

The testimony and evidence presented show that each of the challenges included in Exhibits P–5 through P–142 were based on grounds other than non-residence of the challenged voter. On the other hand, the counter affidavits presented to each of these challenges simply state that the challenged voter had resided in Washington Parish, Ward 4, Precinct 1, for the length of time required by law. Hence, these counter affidavits are irrelevant to the challenges. They do not "prove their right to remain on the registration rolls by written affidavit." (L.R.S. 18:245). Under these circumstances, the counter affidavits cannot be considered to be in proper form nor the challenges disproved, and the 10-day period having elapsed, the challenged registrants must be forthwith removed from the registration rolls. Their recourse is provided by L.R.S. 18:135. The challenged parties must re-register completely and properly if they wish to vote in the future. Hence, Question 2 must be answered in the negative, and Question 3 has already been answered. The Registrar must cancel the registration of those

who were challenged on other grounds than residence and who furnished only counter affidavits as to residence.

A certified copy of a judgment in the United States District Court, Eastern District of Louisiana, enjoining plaintiff from discriminating, in the administration of his office, against anyone because of race, color or previous condition of servitude was introduced in evidence as P–159. This injunction was issued by the United States District Court for the Eastern District of Louisiana. A perusal thereof shows that the injunction is extremely general in form. In fact, it is so general as to raise a question of its validity under Rule 65(d) of the Federal Rules of Civil Procedure. Also, the judgment erroneously refers to the Fourteenth Amendment as a basis for its issuance instead of the Fifteenth Amendment, which is the 87–N amendment specifically applicable to such cases. However, regardless of its apparent invalidity, we shall, for the purpose of answering Question No. 4, assume that the injunction is valid and subsisting. Nothing presented on the trial of this case or shown by any of the exhibits filed herein indicates that these challenges are based solely on the race, color or previous condition of servitude of the challenged registrants. Contrariwise, in each case the challenge specifically sets forth the grounds upon which the challenge is based. In each case the challenge was based on an insufficiency in the registrant's application blank. Their color had nothing to do with the challenges; it would apply just the same, whether they were black or white or pink or green. The whole question is whether or not they are properly and legally registered. It is hornbook law that the State has complete jurisdiction over granting or withholding of the elective franchise, subject only to federal constitutional restraints prohibiting discrimination on account of race, color, previous condition of servitude or sex. In the leading case of Pope v. Williams, 193 U.S. 621, 24 S. Ct. 573 (1904), the United States Supreme Court phrased it thusly:

"The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States * * * It may not be refused on account of race, color, or previous condition of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to

be exercised as the State may direct, and upon such terms as it may seem proper, provided, of course, no discrimination is made between individuals, in violation of the Federal Constitution."

Therefore, Question No. 4 must be answered by pointing out that the actions required by the Registrar under L.R.S. 18:133 or L.R.S. 18:245 do not conflict with the injunction of the United States District Court. As we have previously stated, the actions of the Registrar under these sections are primarily ministerial in nature. If any discrimination is practiced in connection with this section, it would necessarily have to be by the parties challenged or the parties who do the challenging. In any event, the Registrar could not be held culpable so long as he merely carried out his ministerial functions.

87-O The last question asked deals with the registrar's criminal responsibility under the provisions of Title 18 of the Revised Statutes and or under the provisions of L.R.S. 14:134. It is elementary law that our Declaratory Judgment Act (L.R.S. 13:4231, et seq.) does not extend to matters of a criminal nature. Additionally, since every crime is an offense against the State and not an individual, the State would have to be represented in any proceedings wherein a court attempted to rule upon whether or not a person were guilty of a particular crime. The State is not a party to these proceedings. Hence, this Court must refuse plaintiff's request for an answer to Question No. 5. As thus qualified, the answer to this question is "No".

The right of the franchise, or the right to vote, is a cherished and precious privilege, dreamed of and hoped for by countless millions but obtained by comparatively few of the peoples of the earth. This being true, that is, that the right to vote is a priceless privilege, then it is equally true that it is also a priceless privilege as well as a duty and responsibility to prevent the unworthy and unqualified from voting. If the unworthy and unqualified are permitted to vote, then the privilege of voting becomes meaningless and worthless. Hence, it stands to reason that the laws of our State, setting up the legal machinery to purge the rolls of unqualified registrats, are just as important and just as vital to the welfare of our State as is the right to vote itself. The extent to which we yield to political influence, selfish interests or pressure groups, to this extent are we jeopardizing our freedom and liberty and the

American way of life. It is the solemn duty of every public official and every private citizen to lay aside personal interests to permit every qualified citizen of this State to cast his ballot for whom he chooses, free of duress or influence; but it is equally his duty to see that no unqualified or illegal voter shares this privilege.

The Registrars of Voters of this State deserve and are entitled to the support and encouragement of every right-thinking man and woman in this State in helping them enforce the
87-P law and prevent illegal registration. Only by the help of the legal and right-thinking citizens of this State can the Registrars perform their duty and keep the poll lists in a healthy condition. If we fail to do this, we will eventually have to pay the price for our negligence and complacency.

At the hearing on the rule, it was inadvertently stated by the Court that these proceedings would be conducted without cost. A re-examination of the applicable provisions of the law (L.R.S.; 92 and 134; Article VIII, Sec. 5, Louisiana Constitution) has convinced us that these proceedings do not fall within the purview of any of these provisions and is, consequently, not exempt from costs. Accordingly, and in accordance with L.R.S. 13:4240, it is ordered that plaintiff pay all costs of these proceedings.

Dated this 6 day of April, 1959.

C. A. BARNETT,
District Judge.

88 [Certificate of reporting omitted in printing.]

In United States District Court

Plaintiffs note of evidence

Filed Nov. 13, 1959

Pursuant to the order of this court of October 12, 1959, the United States of America, plaintiff herein, files in the record in this case this date the following documents to be offered in evidence in support of its position:

1. Charter of the Citizens Council of Washington Parish.
2. Letter dated November 9, 1959 from the Secretary to the Director of the State Board of Registration, giving

89 the total number of registered voters, the number of white voters, the number of colored voters as of October 6, 1956 in Washington Parish.

3. The monthly reports of the State Board of Registration, State of Louisiana, showing the registered voters in all parishes of the State for the months ending October 4, 1958, November 30, 1958, May 31, 1959 and June 30, 1959.

4. Two photographs of the registration cards of the defendants E. Ray McElveen, Diaz D. McElveen, Saxon Farmer, and Eugene Farmer.

5. Fifty-one photographs of Negro registration cards, Affidavits of Challenge, and Citations to Erase for each of the original Negro registrants cited in the complaint filed by the Government against the defendants in this case.

6. Twenty-seven photographs of white registration cards, Affidavits of Challenge, and Citations to Erase for those nine white registrants originally challenged by the defendants.

7. One hundred photographs of white registration cards of various individuals picked at random from various precincts and wards.

8. Four hundred and fourteen photographs of Negro registration cards, Affidavits of Challenge, and Citations to Erase, picked at random from those registrants in Washington Parish who had been challenged by the defendants in this case.

9. Transcript of the testimony of Curtis M. Thomas, Registrar of Washington Parish, taken by the plaintiff pursuant to the provisions of the Federal Rules of Civil Procedure on November 9, 1959.

Respectfully submitted.

(S) W. HEPBURN MANY,
United States Attorney.

89-A CHARTER OF THE CITIZEN'S COUNCIL OF WASHINGTON PARISH

Articles of Incorporation

Be it known, that on this the 21st day of December, 1956, before me, ROBERT T. RESTER, a Notary Public, in and for the Parish of Washington, State of Louisiana, duly commissioned

and qualified, personally came and appeared the several persons hereinafter named and undersigned all of full age and residents of the State of Louisiana.

Who, in the presence of the undersigned competent witnesses, declare that, availing themselves of the provisions of the Laws of the State of Louisiana relating to non-profit corporations, they do hereby organize a non-profit corporation as defined in R.S. 12: 101 (H) under and in accordance with these articles of incorporation.

Article I.

The name of the said corporation is The Citizen's Council of Washington Parish.

Article II

The objects and purposes for which this corporation is formed are as follows, to-wit:

1) To protect and preserve by all legal means, our historical Southern Social Institutions in all of their aspects:

2) To marshal the economic resources of the good citizens of this community and surrounding area in combatting any attack upon these social institutions;

3) To make studies, compile data, ascertain and publish facts, educate, inform and advise the members of this corporation and the public upon these subjects;

4) To teach the members of this corporation and the public the basic principles of government as set forth in the Constitution of the United States; to instruct them as to their duties and responsibilities as well as their rights and liberties as citizens of the State of Louisiana and the United States; to encourage them in their efforts in the protection and preservation of our American way of life; to reveal the true basic elements of Socialism and Communism so as to fortify them to reject the assault which is constantly being waged upon our institutions by the Socialistic and Communistic forces in the country.

5) To take, receive, hold, convey, mortgage, or assign any and all such real estate and/or personal property as may be necessary for the purpose of this corporation;

6) And, in furtherance of these purposes, to do each and everything necessary that a non-profit corporation may legally do under the statutes of the State of Louisiana.

Article III

This corporation is and shall remain an independent, wholly self-governing corporate body and though it may cooperate with other organizations for the purpose of carrying out any of the corporate objectives, shall never surrender any of its powers or authority to any other corporation, organization or individual.

Article IV

The said corporation shall exist for the full term of ninety-nine (99) years from and after date hereof.

Article V

The registered office of the corporation shall be at 1021 Main Street, Bogalusa, Washington Parish, State of Louisiana.

Article VI

The registered agents of this corporation who shall serve until their successors are selected as provided by the by-laws, are:

1) E. R. McElveen, 423 North Border Drive, Bogalusa, Louisiana

2) Saxon Farmer, 315 East 5th. Street, Bogalusa, Louisiana

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Article VII

The full names and addresses of the incorporators of this corporation are:

1) E. R. McElveen, 423 North Border Drive, Bogalusa, Louisiana

2) Saxon Farmer, 315 East 5th. Street, Bogalusa, Louisiana

3) Douglas Fortenberry, 1021 Main Street, Bogalusa, Louisiana

Article VIII

The corporation shall have no capital stock. Any citizen of Washington Parish, Louisiana, or its environs who is of good

character and who is in accord with the principles and policies of this society, may become a member of this society, upon approval of his application by the Board of Directors.

The Board of Directors may also base membership upon special contributions and issue appropriate certificates of membership to persons entitled thereto, provided that such issuance shall be subject to the general requirement for all memberships that each member shall have only one (1) vote at any regular or special meeting of the membership.

The individual and personal liability of each member of the corporation shall be limited to the payment of dues and membership fees for any current year as pledged by such member.

Article IX

1. (a) The corporation shall have a Board of Directors not exceeding twelve members, who shall serve without compensation. The control and government of the corporation shall be vested in the Board of Directors, who shall exercise all such powers and do all such acts and things as are authorized in the By-laws or that may be necessary for the conducting of the business of the corporation. In this connection, the Board of Directors by a majority vote, at any regular or special meeting, is especially granted the authority to expel any member from membership in the corporation if it feels that such expulsion is necessary for the good of the corporation.

(b) The Board of Directors is especially granted the power and authority to make endowment loans or grants, upon such terms and conditions as it may deem desirable, to any individual, group, organization or corporation in furtherance of the purposes set forth herein and to use the funds and credits of this corporation for such loans or grants.

2. The first Board of Directors shall consist of the following named individuals:

Name—Address

E. R. McElveen, 423 N. Border Dr., Bogalusa, La.
Douglas Fortenberry, 1021 Main St., Bogalusa, La.
C. T. Daniel, Bankston Dr., Bogalusa, La.
J. C. Tannehill, 1228 Marshall Richardson Rd., Bogalusa, La.

W. P. Rushing, 613 Sabine St., Bogalusa, La.
Russell Magee, Franklinton, Louisiana
J. D. Fendalson, 414 Miss. Ave., Bogalusa La.
Saxon Farmer, 315 E. 5th St., Bogalusa, La.

who shall serve until their successors have been duly elected and qualified. Any vacancy occuring during the terms of office of any Director may be filled by the remaining directors for the unexpired term.

3. The Board of Directors shall, at a regular or special meeting of the board held for that purpose, adopt the by-laws of this corporation and provide therein the method of amending or repealing same.

Article X

The officers of this corporation shall be a President, who shall be a member of the Board of Directors, an Executive Vice-President and a Secretary-Treasurer, and such other officers as may be provided in the By-laws of this corporation, all of whom shall be elected by the Board of Directors at the first meeting thereof and all of said officers shall be natural persons of the full age of majority. The said officers shall serve for a term of one (1) year unless otherwise provided in the By-laws, or until their successors are elected and qualified and their compensation shall be fixed by the Board of Directors.

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Article XI

The corporation shall be authorized to begin business upon the issuance of membership certificates.

Thus done and passed, at Bogalusa, Washington Parish, Louisiana, on the day, month, and the year first above written in the presence of Willena Kindy and Irene Cutrer, competent witnesses residing in this city, who have hereto signed their names with appearers and me, Notary, after reading the whole.

E. R. McElveen.
E. R. McElveen.
Saxon Farmer.
Saxon Farmer.
Douglas Fortenberry.
Douglas Fortenberry.

Witnesses:
Willena Windy.
WILLENA KINDY.
Irene Cutrer.
IRENE CUTRER.

A true copy of the original:

Robert T. Rester.
ROBERT T. RESTER,
Notary Public.

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EDGAR A. CODD
DIRECTOR
AND
EX OFFICIO SECRETARY

STATE OF LOUISIANA
BOARD OF REGISTRATION
STATE CAPITOL
BATON ROUGE

November 9, 1959

MEMBERS
EARL K. LONG, GOVERNOR
LESTER E. FRAZAR, LIEUTENANT GOVERNOR
ROBERT ANGELLE, SPEAKER OF THE
HOUSE OF REPRESENTATIVES

H. Hepburn Many
United States Attorney
New Orleans 12, Louisiana

Dear Mr. Many:

The records of this office reflect that for the date of October 6, 1956, in Washington Parish, Louisiana are as follows:

TOTAL NUMBER OF REGISTERED VOTERS	17,372
NUMBER OF WHITE VOTERS	15,483
NUMBER OF COLORED VOTERS	1,889

Very truly yours,

Beatrice R. Harris

Beatrice R. Harris
Secretary to Director

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REPORT FOR MONTH ENDING OCTOBER 6, 1938

* Permanent Registration

State of Louisiana
Board of Registration
State Capitol
Baton Rouge

PARISH	TOTAL NUMBER OF REGISTERED VOTERS	NUMBER OF WHITE VOTERS	NUMBER OF COLORED VOTERS	NUMBER OF WHITE ILLITERATES	NUMBER OF COLORED ILLITERATES	TOTAL NUMBER OF DEMOCRATIC	NUMBER OF WHITE DEMOCRATS
* Acadia	21,899	18,395	3,504	2,476	985	21,797	18,293
* Allen	8,816	7,053	1,763	383	206	8,816	7,053
* Ascension	9,696	7,982	2,034	280	201	9,384	7,371
* Assumption	6,720	6,231	1,989	450	450	6,717	6,728
* Avoyelles	30,173	16,065	2,128	831	743	16,132	14,026
* Beauregard	7,280	6,268	1,060	68	68	7,270	6,730
* Bienville	6,787	6,758	28	8	1	6,778	6,752
* Bossier	10,657	9,826	831	65	1	10,252	9,730
* Caddo	57,055	53,212	3,843	20	0	54,583	50,821
* Calcasieu	41,967	35,603	6,364	1,007	835	41,302	35,143
Caldwell	2,541	2,536	38	13	0	2,566	2,528
Cameron *	2,042	1,887	75	66	4	1,929	1,924
Catahoula	2,608	2,233	187	41	0	2,609	2,222
* Claiborne	5,282	5,087	15	12	0	5,092	5,081
Concordia	2,257	2,081	176	9	0	2,245	2,069
* DeSoto	6,012	5,518	683	19	0	5,972	5,489
* E. Baton Rouge	63,654	54,560	9,094	522	4	62,717	53,791
E. Carroll	2,011	2,011	0	21	0	2,011	2,011
* E. Feliciana	2,888	2,668	420	6	1	2,890	2,668
* Evangeline	15,981	12,815	3,086	2,099	1,394	15,867	12,806
Franklin	6,604	6,100	304	25	8	6,670	6,175
Grant	5,227	4,758	325	207	74	5,266	4,741
* Iberia	18,986	16,682	4,112	1,709	1,825	18,509	14,397
* Iberville	7,053	5,817	1,936	131	61	7,791	5,891
* Jackson	5,314	4,956	360	28	10	5,302	4,946
* Jefferson	66,263	58,511	6,753	856	503	64,874	58,213
* Jefferson Davis	10,838	9,169	1,661	714	285	10,817	9,156
* Lafayette	17,121	14,135	2,996	843	436	16,829	13,909
* Lafourche	32,879	30,926	1,953	2,366	385	32,874	30,921
Lasalle	5,088	4,991	157	31	2	5,063	4,892
Lincoln	5,185	4,696	489	0	0	5,088	4,422
Livingston	7,107	6,343	564	52	31	7,089	6,525
Madison	1,277	1,277	0	41	0	1,266	1,266
Morehouse	4,789	4,573	307	0	0	4,744	4,560
Natchitoches	7,509	6,114	1,395	121	40	7,615	6,059
* Orleans	300,464	168,719	31,747	749	391	189,623	165,653
* Ouachita	36,335	33,768	767	90	0	34,263	33,495
* Plaquemines	6,780	6,761	69	152	1	6,761	6,716
Pointe Coupee	3,767	3,131	636	36	1	3,758	3,118
* Rapides	38,363	23,726	2,881	299	53	38,134	23,368
Red River	1,065	1,050	15	22	8	1,057	1,043
Richland	v 4,455	4,273	179	7	0	4,488	4,259
* Sabine	9,135	7,863	1,498	273	123	9,134	7,631
St. Bernard	8,142	7,814	328	90	25	8,112	7,784
* St. Charles	6,490	4,977	1,473	31	151	6,633	4,966
St. Helena	2,750	1,694	1,036	13	36	2,742	1,692
* St. James	6,284	4,991	2,173	77	211	6,223	4,864
* St. John	4,655	2,645	2,010	114	387	4,494	2,434
* St. Landry	22,493	15,356	7,141	655	864	22,451	15,326
* St. Martin	9,650	7,144	2,506	952	614	9,560	7,128
St. Mary	12,980	10,294	2,646	423	237	12,870	10,233
* St. Tammany	16,185	14,115	2,070	83	156	16,004	13,976
* Tangipahoa	21,015	17,341	3,674	231	172	20,961	17,480
Tensas	938	938	0	0	0	923	923
* Terrebonne	12,192	11,193	999	611	36	12,156	11,160
* Union	4,293	3,925	368	58	4	4,255	3,907
* Vermilion	18,737	16,858	1,881	2,721	389	18,735	16,830
Vernon	8,063	7,823	240	74	11	8,038	7,610
* Washington	12,861	11,664	1,197	72	3	12,882	11,420
Webster	8,088	8,012	80	2	0	8,015	7,937
W. Baton Rouge	2,303	1,687	616	14	0	2,282	1,682
W. Carroll	3,350	3,280	70	47	0	3,300	3,233
W. Feliciana	403	403	0	14	0	402	402
Winn	5,168	4,683	485	0	8	5,162	4,683
TOTALS	968,267	816,843	129,624	23,611	12,944	936,122	806,538
						100%	86%
	1888	84%	14%	2%	1%		76.7%

1,504	30	30	0	2	2	0	
1,763	2	2	0	0	0	0	
2,021	10	7	3	0	0	0	
1,888	2	2	0	1	1	0	
2,104	36	15	21	5	4	1	As of 8/31/56
1,060	17	17	0	1	1	0	
27	7	6	1	1	1	0	
322	117	114	3	88	82	6	As of 8/31/56
3,762	2,056	1,898	58	418	395	23	
5,269	450	333	97	125	107	18	
38	0	0	0	6	6	0	
73	3	3	0	0	0	0	
187	0	0	0	0	0	0	
14	5	5	0	2	1	1	
176	11	11	0	1	1	0	
483	23	20	3	17	10	7	
8,886	492	432	56	442	330	112	
0	4	4	0	0	0	0	
450	1	1	0	0	0	0	
3,081	32	7	25	3	3	0	
293	11	4	7	5	1	3	
525	10	10	0	1	1	0	As of 8/31/56
4,112	81	81	0	4	4	0	
1,900	36	36	0	0	0	0	
350	8	7	1	0	0	0	
6,641	876	818	58	513	480	33	
1,661	12	12	0	1	1	0	
2,929	366	186	62	66	41	5	
1,953	5	5	0	0	0	0	
131	11	7	4	4	2	2	
466	29	25	4	10	9	1	
344	18	18	0	0	0	0	
0	10	10	0	1	1	0	
304	36	32	4	2	1	1	
1,356	42	20	22	22	22	17	
20,772	3,013	2,318	695	1,028	748	280	
748	274	263	11	18	10	8	
42	28	28	0	3	3	0	As of 3/30/56
630	9	9	0	0	0	0	As of 8/31/56
2,786	128	117	11	263	239	24	
14	7	6	1	1	1	0	
168	18	7	11	8	8	0	
1,492	11	11	0	0	0	0	
328	26	26	0	4	4	0	
1,469	13	11	2	4	2	2	
1,090	8	2	6	0	0	0	
2,157	31	15	16	0	0	0	
1,990	20	6	14	11	5	6	
7,127	34	21	13	10	9	1	
3,432	27	11	16	63	5	58	
2,637	34	15	9	6	6	0	
2,028	127	103	24	34	34	18	
3,461	70	59	11	4	2	2	
0	3	3	0	0	0	0	
994	31	26	5	7	7	0	
368	19	8	11	19	10	9	
1,885	2	2	0	0	0	0	
636	38	12	14	1	1	0	
1,648	48	18	22	39	6	33	
78	35	33	2	12	12	0	
867	3	3	0	0	0	0	
67	27	25	2	3	2	1	
0	0	0	0	1	1	0	
539	5	0	5	1	0	1	
127,384	8,883	7,443	1,361	3,332	2,643	679	
100%	100%	97%	15%	100%	80%	20%	
		8.3%			0.4%		

89–F

RE. ORT FOR MONTH ENDING NOVEMBER 30, 1938

* Permanent Registration

State of Louisiana
Board of Registration
State Capitol
Baton Rouge

PARISH	TOTAL NUMBER OF REGISTERED VOTERS	NUMBER OF WHITE VOTERS	NUMBER OF COLORED VOTERS	NUMBER OF WHITE ILLITERATES	NUMBER OF COLORED ILLITERATES	TOTAL NUMBER OF REGISTERED DEMOCRATS	NUMBER OF WHITE DEMOCRATS
Acadia	21,827	18,323	3,504	2,476	995	21,795	18,291
Allen	8,824	7,039	1,785	323	284	8,822	7,057
Ascension	9,420	7,386	2,034	220	281	9,410	7,389
Assumption	6,720	4,731	1,989	650	420	6,717	4,728
Avoyelles	16,010	14,056	1,954	851	723	15,972	14,037
Beauregard	7,788	6,748	1,040	49	62	7,770	6,730
Bienville	4,787	4,759	28	8	1	4,779	4,752
Bossier	10,455	9,983	472	71	1	10,238	9,774
Caddo	53,688	31,222	4,466	20	0	52,902	49,022
Calcasieu	42,044	35,674	6,370	1,009	835	41,644	35,210
Caldwell	2,583	2,545	38	13	0	2,577	2,539
Cameron	2,026	1,948	78	66	4	2,021	1,943
Catahoula	2,409	2,222	187	41	0	2,409	2,222
Claiborne	5,702	5,687	15	12	0	5,695	5,681
Concordia	2,263	2,087	176	0	0	2,251	2,075
DeSoto	6,006	5,511	493	19	0	5,994	5,681
E. Baton Rouge	63,651	34,559	9,092	522	4	62,722	33,789
E. Carroll	2,015	2,015	0	21	0	2,011	2,011
E. Feliciana	2,899	2,449	450	6	1	2,898	2,448
Evangeline	15,888	12,814	3,074	2,089	1,578	15,865	12,805
Franklin	6,484	6,180	304	25	8	6,470	6,175
Grant	5,277	4,752	525	207	74	5,266	4,741
Iberia	18,545	14,436	4,109	1,689	1,826	18,460	14,351
Iberville	7,863	3,927	1,936	131	81	7,801	5,901
Jackson	5,316	4,956	360	28	10	5,302	4,964
Jefferson	66,442	39,610	6,832	857	506	65,051	58,314
Jefferson Davis	10,830	9,169	1,661	714	285	10,817	9,156
Lafayette	17,121	14,125	2,996	843	626	16,829	13,900
Lafourche	22,879	20,926	1,953	2,344	325	22,874	20,921
LaSalle	5,062	4,905	157	51	2	5,047	4,896
Lincoln	5,135	4,665	470	0	0	5,099	4,631
Livingston	7,107	6,543	564	52	31	7,089	6,525
Madison	1,314	1,314	0	41	0	1,303	1,303
Morehouse	4,784	4,579	205	0	0	4,748	4,544
Natchitoches	7,530	6,134	1,396	122	40	7,437	6,079
Orleans	194,984	163,494	31,490	781	342	190,964	160,460
Ouachita	22,759	21,983	776	43	0	22,678	21,718
Plaquemines	4,790	4,741	49	132	1	4,765	4,716
Pointe Coupee	3,818	3,183	635	24	1	3,809	3,174
Rapides	28,131	25,363	2,768	289	49	27,755	25,020
Red River	1,976	1,959	17	22	0	1,963	1,948
Richland	4,652	4,273	379	7	0	4,426	4,258
Sabine	9,133	7,643	1,492	273	123	9,126	7,636
St. Bernard	8,194	7,854	340	85	29	8,161	7,821
St. Charles	6,357	5,042	1,695	31	151	6,340	5,049
St. Helena	2,743	1,704	1,039	13	54	2,755	1,702
St. James	6,346	4,073	2,173	77	211	6,216	4,057
St. John	4,435	2,445	2,010	114	387	4,426	2,436
St. Landry	22,650	15,469	7,181	439	952	22,602	15,438
St. Martin	9,650	7,144	2,506	952	614	9,560	7,128
St. Mary	12,903	10,344	2,559	335	175	12,876	10,227
St. Tammany	16,192	14,122	2,070	83	134	16,011	13,983
Tangipahoa	21,013	17,539	3,474	230	172	20,939	17,478
Tensas	928	928	0	0	0	923	923
Terrebonne	12,242	11,237	1,005	611	24	12,203	11,202
Union	4,301	3,933	368	52	4	4,263	3,915
Vermilion	18,753	16,863	1,890	2,721	512	18,731	16,861
Vernon	8,063	7,423	640	74	11	8,034	7,410
Washington	12,951	11,444	1,317	72	3	12,882	11,420
Webster	8,342	8,262	80	2	0	8,275	8,197
W. Baton Rouge	2,313	1,700	613	16	0	2,312	1,698
W. Carroll	3,459	3,389	70	47	0	3,431	3,344
W. Feliciana	903	903	0	13	0	902	902
Winn	5,148	4,483	665	0	0	5,142	4,481
TOTALS	930,774	808,872	129,902	23,526	11,850	926,359	798,969
						100%	86%
	100%	86%	14%	2%	1%		98.7%

NUMBER OF COLORED DEMOCRATS	TOTAL NUMBER OF REGISTERED REPUBLICANS	NUMBER OF WHITE REPUBLICANS	NUMBER OF COLORED REPUBLICANS	TOTAL NUMBER OF REGISTERED OTHER PARTIES	NUMBER OF WHITE OTHER PARTIES	NUMBER OF COLORED OTHER PARTIES	
3,504	30	30	0	2	2	0	
1,745	2	2	0	0	0	0	
2,021	10	7	3	0	0	0	
1,989	2	2	0	1	1	0	
1,935	33	15	18	5	4	1	
1,040	17	17	0	1	1	0	
27	7	6	1	1	1	0	
444	116	114	2	101	95	6	
3,880	1,911	1,841	70	875	359	516	
6,254	453	355	98	127	109	18	
38	0	0	0	6	6	0	
76	3	3	0	0	0	0	
187	0	0	0	0	0	0	
14	5	5	0	2	1	1	As of 10/4/58
176	11	11	0	1	1	0	
493	23	20	3	17	10	7	
8,933	494	440	54	435	330	105	
0	4	4	0	0	0	0	
450	1	1	0	0	0	0	As of 10/6/58
3,060	21	7	14	3	2	0	
295	11	4	7	3	1	2	As of 10/4/58
525	10	10	0	1	1	0	As of 8/31/58
4,109	81	81	0	4	4	0	
1,800	36	26	10	6	0	6	
358	8	7	1	6	5	1	As of 10/4/58
6,737	877	818	59	514	478	36	
1,861	12	12	0	1	1	0	As of 10/4/58
2,929	244	184	62	46	41	5	
1,953	5	5	0	0	0	0	As of 10/6/58
151	11	7	4	4	2	2	
465	29	25	4	10	9	1	
564	18	18	0	0	0	0	As of 10/6/58
0	10	10	0	1	1	0	
202	34	32	2	2	1	1	
1,358	41	20	21	52	35	17	
20,524	2,991	2,299	692	1,029	755	274	
760	255	244	11	26	21	5	
49	20	20	0	5	5	0	As of 3/30/56
635	9	9	0	0	0	0	
2,735	124	113	11	252	230	22	
14	7	6	1	4	4	0	
168	18	7	11	8	8	0	As of 10/6/58
1,492	11	11	0	0	0	0	As of 10/6/58
360	28	28	0	5	5	0	
1,491	13	11	2	4	2	2	
1,053	8	2	6	0	0	0	
2,159	31	15	16	1	1	0	
1,990	20	6	14	11	5	6	As of 10/4/58
7,167	35	22	13	10	9	1	
2,432	27	11	16	63	5	58	As of 10/4/58
2,649	24	14	10	5	5	0	
2,028	127	103	24	55	36	18	
3,461	70	59	11	5	2	2	
0	5	5	0	0	0	0	As of 10/4/58
1,000	32	27	5	7	7	0	
348	19	8	11	19	10	9	
1,890	2	2	0	0	0	0	
624	28	12	16	1	1	0	
1,462	40	18	22	39	6	33	As of 10/4/58
78	55	53	2	13	13	0	
614	3	2	1	0	0	0	
67	25	23	2	3	2	1	
0	0	0	0	1	1	0	
532	1	0	1	1	0	1	As of 10/4/58
127,390	8,624	7,269	1,355	3,791	2,634	1,157	
34%	100%	84%	16%	100%	69%	31%	
		0.9%			0.4%		

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REPORT FOR MONTH ENDING May 31, 1939

* Permanent Registration

State of Louisiana
Board of Registration
State Capitol
Baton Rouge

PARISH	TOTAL NUMBER OF REGISTERED VOTERS	NUMBER OF WHITE VOTERS	NUMBER OF COLORED VOTERS	NUMBER OF WHITE ILLITERATES	NUMBER OF COLORED ILLITERATES	TOTAL NUMBER OF REGISTERED DEMOCRATS	NUMBER OF WHITE DEMOCRATS
* Acadia	22,009	18,517	3,492	2,659	980	21,976	18,485
* Allen	8,937	7,182	1,775	322	280	8,933	7,178
* Ascension	9,556	7,567	1,989	221	285	9,550	7,561
* Assumption	6,805	4,810	1,995	641	415	6,801	4,806
* Avoyelles	15,389	13,540	1,849	732	696	15,360	13,524
* Beauregard	7,926	6,887	1,039	45	60	7,908	6,869
* Bienville	4,722	4,695	27	8	1	4,716	4,688
* Bossier	10,295	9,765	530	65	1	10,090	9,567
* Caddo	56,183	51,588	4,585	31	0	51,403	49,403
* Calcasieu	42,830	36,371	6,459	1,039	841	42,213	35,890
Caldwell	2,817	2,776	41	13	0	2,811	2,770
* Cameron	2,201	2,115	86	73	5	2,196	2,111
* Catahoula	2,730	2,511	219	43	0	2,730	2,511
* Claiborne	5,463	5,448	15	12	0	5,456	5,442
Concordia	4,169	3,878	291	0	0	4,154	3,863
* DeSoto	6,041	5,552	489	18	0	6,001	5,512
* E Baton Rouge	63,987	54,892	9,095	521	4	63,042	54,114
E Carroll	2,185	2,185	0	21	0	2,181	2,181
* E Feliciana	2,899	2,449	450	6	1	2,898	2,448
* Evangeline	16,110	13,006	3,104	2,074	1,575	16,085	12,996
Franklin	6,549	6,195	354	29	8	6,533	6,189
Grant	5,397	4,867	530	208	75	5,386	4,857
* Iberia	19,317	15,057	4,260	1,756	1,922	19,238	14,978
* Iberville	7,959	6,017	1,938	142	59	7,893	5,992
* Jackson	5,382	5,018	364	28	10	5,368	5,004
* Jefferson	69,012	61,958	7,054	871	533	67,579	60,638
* Jefferson Davis	10,070	8,688	1,582	560	233	10,033	8,656
* Lafayette	19,283	15,974	3,309	967	742	18,949	15,731
* Lafourche	23,156	21,205	1,969	2,342	325	23,148	21,200
LaSalle	5,152	4,995	157	51	2	5,138	4,987
Lincoln	5,596	5,081	513	2	0	5,588	5,031
Livingston	8,355	7,664	691	60	41	8,336	7,643
Madison	1,601	1,601	0	47	0	1,588	1,588
Morehouse	5,152	4,912	240	0	0	5,115	4,879
Natchitoches	7,895	6,459	1,436	124	1	7,805	6,405
* Orleans	194,568	162,998	31,570	809	383	190,794	160,163
* Ouachita	29,096	22,319	775	43	0	22,795	22,031
* Plaquemines	5,898	5,854	44	137	1	5,837	5,802
Pointe Coupee	6,274	5,608	666	36	1	6,245	5,599
* Rapides	28,311	25,548	2,763	285	49	27,936	25,204
Red River	2,430	2,414	16	22	0	2,422	2,407
Richland	4,705	4,515	190	8	0	4,682	4,501
* Sabine	9,170	7,678	1,492	273	123	9,159	7,667
St Bernard	10,467	10,005	462	101	36	10,424	9,962
* St Charles	7,712	5,971	1,741	48	168	7,680	5,969
St Helena	2,921	1,830	1,091	15	37	2,910	1,826
* St James	6,396	4,157	2,239	76	210	6,368	4,142
* St John	4,899	2,714	2,185	128	404	4,868	2,702
* St Landry	24,234	18,360	5,874	713	978	24,190	18,330
* St Martin	9,587	7,057	2,530	910	638	9,497	7,041
St Mary	13,234	10,546	2,688	372	173	13,205	10,524
* St Tammany	16,408	14,333	2,075	78	150	16,228	14,197
* Tangipahoa	21,314	17,829	3,485	330	170	21,260	17,771
Tensas	1,044	1,044	0	0	0	1,039	1,038
* Terrebonne	12,922	11,862	1,060	675	35	12,881	11,804
Union	4,634	4,257	377	57	4	4,588	4,235
* Vermilion	19,026	17,103	1,923	2,726	510	19,024	17,101
Vernon	8,282	7,690	592	73	12	8,260	7,677
* Washington	13,411	11,877	1,534	72	3	13,337	11,833
Webster	8,688	8,605	83	2	0	8,617	8,536
W. Baton Rouge	2,795	2,076	719	0	0	2,792	2,074
W. Carroll	1,968	1,897	71	53	0	1,935	1,864
W. Feliciana	986	986	0	12	0	986	986
Winn	5,758	5,018	740	0	0	5,754	5,014
TOTALS	964,277	831,366	132,911	22,962	13,224	951,892	821,512
						100%	86.3%
	100%	86.2%	13.8%	2.4%	1.4%		98.7%

NUMBER OF COLORED DEMOCRATS	TOTAL NUMBER OF REGISTERED REPUBLICANS	NUMBER OF WHITE REPUBLICANS	NUMBER OF COLORED REPUBLICANS	TOTAL NUMBER OF REGISTERED OTHER PARTIES	NUMBER OF WHITE OTHER PARTIES	NUMBER OF COLORED OTHER PARTIES	
3,491	31	30	1	2	2	0	
1,775	4	4	0	0	0	0	
1,987	4	4	2	0	0	0	
1,995	3	3	0	1	1	0	
1,836	25	12	13	4	4	0	
1,039	17	17	0	1	1	0	
26	7	6	1	1	1	0	
523	113	110	3	92	88	4	
3,996	1,898	1,826	72	882	365	517	
6,333	470	363	107	147	129	18	
41	0	0	0	6	6	0	
85	5	4	1	0	0	0	
219	0	0	0	0	0	0	
14	5	5	0	2	2	0	
291	14	14	0	1	1	0	
479	22	20	2	17	10	7	
8,928	486	434	52	459	344	115	As of 1/31/59
0	4	4	0	0	0	0	
650	1	1	0	0	0	0	As of 10/58
3,089	21	7	14	4	3	1	
344	11	4	7	3	2	1	
529	11	10	1	0	0	0	
4,260	77	77	0	2	2	0	
1,903	53	25	28	7	0	7	
362	8	7	1	6	5	1	
6,961	880	817	63	553	503	50	
1,577	28	21	7	13	11	2	
3,218	280	197	83	54	46	8	
1,949	5	5	0	0	0	0	
151	10	6	4	4	2	2	
507	31	26	5	25	24	1	
691	20	20	0	1	1	0	
0	10	10	0	3	3	0	
236	17	14	3	20	19	1	
1,400	38	18	19	52	35	17	
30,831	2,819	2,142	677	955	693	262	
764	264	253	11	35	35	0	
35	22	22	0	40	30	10	
666	9	9	0	0	0	0	
2,732	129	109	11	255	225	30	
15	7	6	1	1	1	0	
181	17	8	9	8	8	0	
1,492	11	11	0	0	0	0	
462	32	32	0	11	11	0	
1,740	17	17	0	6	5	1	
1,086	11	6	5	0	0	0	
2,228	27	14	13	1	1	0	As of 4/58
2,164	20	7	13	11	5	6	
7,860	34	21	13	10	9	1	
2,456	27	11	16	63	5	58	
2,679	25	16	9	4	4	0	As of 3/58
2,031	124	100	24	54	36	18	As of 4/58
1,469	67	56	11	7	2	5	
0	5	5	0	0	0	0	
1,075	54	29	5	7	7	0	
353	19	8	11	27	14	13	
1,923	2	2	0	0	0	0	
583	22	13	9	0	0	0	
1,484	38	18	20	36	6	30	As of 2/58
81	54	54	2	15	15	0	As of 3/58
718	3	2	1	0	0	0	As of 4/58
69	22	20	2	11	11	0	
0	0	0	0	0	0	0	
738	3	1	2	1	1	0	As of 2/58
130,380	8,465	7,114	1,351	3,920	2,740	1,180	
13.7%	100%	84.0%	16.0%	100%	69.9%	30.1%	
		0.9%			0.4%		

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REPORT FOR MONTH ENDING June 30, 1939

* Permanent Registration

State of Louisiana
Board of Registration
State Capitol
Baton Rouge

PARISH	TOTAL NUMBER OF REGISTERED VOTERS	NUMBER OF WHITE VOTERS	NUMBER OF COLORED VOTERS	NUMBER OF WHITE ILLITERATES	NUMBER OF COLORED ILLITERATES	TOTAL NUMBER OF REGISTERED DEMOCRATS	NUMBER OF WHITE DEMOCRATS
Acadia	22,147	18,613	3,534	2,092	984	22,113	18,583
Allen	8,995	7,217	1,778	324	290	8,991	7,213
Ascension	9,546	7,558	1,988	221	286	9,540	7,554
Assumption	6,833	4,832	2,001	643	417	6,829	4,828
Avoyelles	13,902	13,553	1,349	732	696	13,373	13,537
Beauregard	7,967	6,908	1,059	68	57	7,929	6,890
Bienville	6,739	6,712	27	8	1	6,733	6,707
Bossier	10,383	9,851	532	64	1	10,175	9,650
Caddo	56,393	51,794	4,599	32	0	53,647	49,638
Calcasieu	42,978	36,507	6,471	1,042	842	42,358	36,013
Caldwell	2,841	2,800	41	13	0	2,835	2,794
Cameron	2,217	2,131	86	73	5	2,212	2,127
Catahoula	2,788	2,568	220	44	0	2,788	2,568
Claiborne	5,468	5,453	15	12	0	5,460	5,446
Concordia	4,194	3,902	292	0	0	4,179	3,887
DeSoto	6,062	5,568	494	18	0	6,022	5,538
E. Baton Rouge	65,707	56,435	9,272	524	4	64,623	55,531
E. Carroll	2,189	2,189	0	22	0	2,179	2,179
E. Feliciana	1,684	1,634	50	7	0	1,682	1,632
Evangeline	16,175	13,067	3,108	2,076	1,576	16,149	13,057
Franklin	6,591	6,237	354	29	8	6,575	6,221
Grant	5,442	4,907	535	208	75	5,431	4,897
Iberia	19,477	15,198	4,279	1,781	1,926	19,399	15,120
Iberville	8,005	6,063	1,942	143	59	7,942	6,036
Jackson	5,385	5,019	366	28	10	5,372	5,008
Jefferson	69,553	62,470	7,083	870	533	68,113	61,146
Jefferson Davis	10,110	8,524	1,586	561	253	10,075	8,492
Lafayette	19,516	16,157	3,359	977	756	19,169	15,908
Lafourche	23,255	21,304	1,951	2,345	325	23,250	21,299
LaSalle	5,201	5,044	157	52	2	5,187	5,036
Lincoln	5,649	5,133	516	2	0	5,591	5,081
Livingston	8,957	8,239	718	73	42	8,935	8,217
Madison	1,633	1,633	0	48	0	1,607	1,607
Morehouse	5,190	4,953	237		0	5,153	4,917
Natchitoches	7,963	6,518	1,425	125	1	7,854	6,445
Orleans	195,824	164,075	31,749	842	376	192,066	161,257
Ouachita	22,591	21,830	761	43	0	22,292	21,543
Plaquemines	6,094	6,054	45	139	1	6,038	6,003
Pointe Coupee	4,274	3,608	666	36	9	4,265	3,599
Rapides	28,327	25,569	2,758	282	49	27,955	25,227
Red River	2,491	2,475	16	22	0	2,483	2,468
Richland	4,735	4,545	190	8	0	4,713	4,532
Sabine	9,170	7,678	1,492	273	123	9,159	7,667
St Bernard	10,752	10,287	465	101	36	10,709	10,265
St Charles	7,729	5,987	1,742	47	167	7,706	5,965
St Helena	2,912	1,839	1,073	13	51	2,901	1,837
St James	6,668	4,172	2,496	76	213	6,640	4,157
St John	5,031	2,799	2,232	129	609	5,000	2,787
St Landry	34,178	16,466	7,912	741	1,003	26,336	16,436
St Martin	9,587	7,057	2,530	910	638	9,497	7,041
St Mary	13,206	10,546	2,688	372	172	13,205	10,529
St Tammany	16,486	14,333	2,073	78	150	16,228	14,197
Tangipahoa	21,367	17,860	3,487	226	143	21,274	17,802
Tensas	1,047	1,047	0	0	0	1,062	1,062
Terrebonne	13,292	12,191	1,101	697	35	13,250	12,154
Union	4,646	4,269	377	57	4	4,600	4,267
Vermilion	19,096	17,162	1,934	2,723	511	19,094	17,160
Vernon	8,346	7,213	633	76	12	8,323	7,699
Washington	12,664	12,228	236	87	0	12,437	12,210
Webster	8,688	8,605	83	2	0	8,617	8,536
W. Baton Rouge	2,838	2,118	720	19	0	2,835	2,116
W. Carroll	6,000	3,928	2,072	53	0	3,967	3,897
W. Feliciana	1,002	1,002	0	12	0	1,002	1,002
Winn	5,750	5,010	740	0	0	5,734	5,010
TOTALS	968,147	837,172	131,975	23,867	13,236	956,674	827,213
						100%	86.5%
	100%	86.4%	13.6%	2.5%	1.4%		98.7%

3,535	32	31	1	2	2	0	
1,778	4	4	0	0	0	0	
1,986	6	4	2	0	0	0	
2,001	3	3	0	1	1	0	
1,836	25	12	13	4	4	0	
1,029	17	17	0	1	1	0	
26	5	4	1	1	1	0	
525	113	110	3	95	91	4	
4,011	1,868	1,795	73	878	363	515	
4,345	472	365	107	148	129	19	
41	0	0	0	6	6	0	
85	5	4	1	0	0	0	
220	0	0	0	0	0	0	
14	6	6	0	2	1	1	
292	14	14	0	1	1	0	
484	23	20	3	17	10	7	
9,092	513	440	53	571	444	127	
8	4	4	0	6	6	0	
50	2	2	0	0	0	0	
3,092	21	7	14	5	3	2	
344	11	6	7	5	2	3	
536	11	10	1	0	0	0	
4,279	76	76	0	2	2	0	
1,900	55	27	28	8	0	8	
364	8	7	1	5	4	1	
6,967	881	817	64	559	507	52	
1,581	34	21	13	13	11	2	
3,263	285	199	86	62	52	10	
1,931	5	5	0	0	0	0	
131	10	6	4	4	2	2	
510	32	27	5	26	23	1	
718	21	21	0	1	1	0	
0	11	11	0	15	15	0	
226	17	17	0	20	19	1	
1,389	38	19	19	51	34	17	
20,809	2,810	2,128	682	948	690	258	
258	264	253	11	35	33	0	
35	18	18	0	43	33	10	
444	9	9	0	0	0	0	do as of 5/59
2,728	119	108	11	253	234	19	
15	7	6	1	1	1	0	
101	17	8	9	5	5	0	
1,492	11	11	0	0	0	0	do as of 5/59
444	32	31	1	11	11	0	
1,741	17	17	0	6	5	1	
1,064	10	2	8	1	0	1	
2,283	27	14	13	1	1	0	
2,213	20	7	13	11	5	6	
7,898	36	23	13	10	9	1	
2,434	27	11	16	63	5	58	do as of 5/59
2,679	25	16	9	4	4	0	do as of 3/59
2,031	134	100	34	54	36	18	do as of 4/59
3,471	66	55	11	7	2	5	
0	5	5	0	0	0	0	
1,096	33	30	3	7	7	0	
353	19	8	11	27	14	13	
1,934	2	2	0	0	0	0	
624	22	13	9	1	1	0	
227	20	16	4	7	5	2	
81	56	54	2	15	15	0	do as of 3/59
719	3	2	1	0	0	0	
70	22	20	2	11	11	0	
0	0	0	0	0	0	0	
738	3	1	2	1	1	0	do as of 2/59
129,461	8,442	7,095	1,347	4,031	2,864	1,167	
13.2%	100%	84.0%	16.0%	100%	71.0%	29.0%	
		0.9%			0.4%		

90 In United States District Court

Answer of Curtis M. Thomas to request for admission

Filed Nov. 16, 1959

Now comes Curtis M. Thomas, Registrar of Voters, Parish of Washington, Franklinton, Louisiana, and in answer for request for admission served upon him on the 7th day of November, 1959, and hereby answering said admission, only for the purpose of the herein designated action and subject to any and all exception previously filed, and subject to all objections to admissibility, and without waiving any rights gives the following answers to such request.

1. Defendant admits the statement of Paragraph 1.

2. Defendant admits that Washington Parish, Louisiana, is and has been since May 31, 1958 a permanent voter registration parish.

3. Defendant admits statements 3, 4, 5, 6, 7 and 8.

4. Defendant states in answer to statement #9 that some deficiencies of the same general type as were used as the basis for challenging Negro registrants are and were at the time referred to in Request No. 6 present in the records of some white registrants who have not been challenged.

91 5. Defendant admits statements 10, 11, 12, 13 and 14.

(S) Curtis M. Thomas,
CURTIS M. THOMAS,
Registrar of Voters,
Washington Parish, State of Louisiana.

Sworn to and subscribed before me this 13 day of November, 1959.

[SEAL] (S) (Illegible)
Notary Public.

In United States District Court

Saxon Farmer, defendant, response to requests for admissions

Filed Nov. 17, 1959

Saxon Farmer, defendant, makes the following admissions and denials on the request for admissions served on defendant

by mail under date of November 6th, 1959, by the United States of America, the plaintiff:

Request No. 1

Defendant admits the matter stated therein.

Request No. 2

Defendant admits the matter stated therein.

Request No. 3.

In response to Request No. 3, defendant avers that there were many reasons for challenging the parties who were challenged, both White and Negro. That to the best of respondent's recollection, the most frequent cause was the challenged registrant's failure to compute his age correctly in days,
92 months and years, a mandatory requirement of the Constitution of Louisiana and Sections 31 and 32 of Title 18 of the Louisiana Revised Statutes, which interpretation has been definitively settled by the following cases:

Bishop vs. Sherburne, 122 La. 429; 47 So. 759.

Lorio vs. Sherburne, 122 La. 434; 47 So. 760.

State ex rel Smith vs. Dardenne, Reg. 129 La. 836, 56 So. 905.

That there were also challenges based on failure to complete cards; apparent misspellings on the card so as to make meaningless the answers given; and complete illegibility of handwriting in connection with all or a portion of the answers. That respondent cannot remember each of the reasons given, but these are among those used.

(S) W. M. Shaw,
W. M. Shaw,
Of counsel for Defendant.

Sworn to and subscribed before me on this the 18th day of November, 1959.

[SEAL]

(S) Wellborn Jack,
Notary Public, in and for
Caddo Parish, Louisiana.

In United States District Court

E. Ray McElveen, defendant, response to requests for admissions

Filed Nov. 17, 1959

E. Ray McElveen, Defendant, makes the following admissions and denials on the request for admissions served on defendant by mail under date of November 6th, 1959, by
93 the United States of America, the plaintiff:

Request No. 1

Defendant admits the matter stated therein.

Request No. 2

Defendant admits the matter stated therein.

Request No. 3

In response to Request No. 3, Defendant avers that there were many reasons for challenging the parties who were challenged, both white and Negro; that to the best of respondent's recollection, the most frequent cause was the challenged registrant's failure to compute his age correctly in days, months and years, a mandatory requirement of the Constitution of Louisiana and Sections 31 and 32 of Title 18 of the Louisiana Revised Statutes, which interpretation has been definitively settled by the following cases:

Bishop vs. Sherburne, 122 La. 429; 47 So. 759.

Lorio vs. Sherburne, 122 La. 434; 47 So. 760.

State ex rel Smith vs. Dardenne, Reg. 129 La. 836, 56 So. 905.

That there were also challenges based on failure to complete cards; apparent misspellings on the card so as to make meaningless the answers given; and complete illegibility of handwriting in connection with all or a portion of the answers; that respondent cannot remember each of the reasons given, but those are among those used.

(S) W. M. Shaw,
W. M. Shaw,
Of Counsel for Defendant.

94 Sworn to and subscribed before me on this the 16th day of November, 1959.

(S) WELLBORN JACK,
Notary Public, in and for
Caddo Parish, Louisiana.

In United States District Court

Eugene Farmer's, defendant, response to requests for admissions

(Filed Nov. 17, 1959)

Eugene Farmer, defendant, makes the following admissions and denials on the request for admissions served on defendant by mail under date of November 6th, 1959, by the United States of America, the plaintiff:

Request No. 1

Defendant admits the matter stated therein.

Request No. 2

Defendant admits the matter stated therein.

Request No. 3

In response to Request No. 3, defendant avers that there were many reasons for challenging the parties who were challenged, both White and Negro; that to the best of repsondent's recollection, the most frequent cause was the challenged registrant's failure to compute his age correctly in days, months and years, a mandatory requirement of the Constitution of Louisiana and Sections 31 and 32 of Title 18 of the Louisiana Revised Statutes which interpretation has been definitively settled by the following cases:

Bishop vs. Sherburne, 122 La. 429; 47 So. 759.

95 Lorio vs. Sherburne, 122 La. 434; 47 So. 760.

State ex rel Smith vs. Dardenne, Reg. 129 La. 836, 56 So. 905.

That there were also challenges based on failure to complete cards; apparent misspellings on the card so as to make mean-

ingless the answers given; and complete illegibility of handwriting in connection with all or a portion of the answers; that respondent cannot remember each of the reasons given, but these are among those used.

(S) W. M. Shaw,
W. M. Shaw,
Of Counsel for Defendant.

Sworn to and subscribed before me on this the 16th day of November, 1959.

(S) Wellborn Jack,
Notary Public, in and for
Caddo Parish, Louisiana.

In United States District Court

Response to requests for admissions by Diaz D. McElveen, defendant

Filed Nov. 17, 1959

Diaz D. McElveen, defendant, makes the following admissions and denials on the request for admissions served on defendant by mail under date of November 6th, 1959, by the United States of America, the plaintiff:

Request No. 1

Defendant admits the matter stated therein.

Request No. 2

Defendant admits the matter stated therein.

96 Request No. 3

In response to Request No. 3, defendant avers that there were many reasons for challenging the parties who were challenged, both White and Negro. That to the best of respondent's recollection, the most frequent cause was the challenged registrant's failure to compute his age correctly in days, months and years, a mandatory requirement of the Constitution of Louisiana and Sections 31 and 32 of Title 18 of the Louisiana

Revised Statutes which interpretation has been definitively settled by the following cases:

Bishop vs. Sherburne, 122 La. 429; 47 So. 759.

Lorio vs. Sherburne, 122 La. 434; 47 So. 760.

State ex rel. Smith vs. Dardenne, Reg. 129 La. 835; 56 So. 905.

That there were also challenges based on failure to complete cards; apparent misspellings on the card so as to make meaningless the answers given; and complete illegibility of hand writing in connection with all or a portion of the answers. That respondent cannot remember each of the reasons given, but these are among those used.

(S) W. M. Shaw,
W. M. Shaw,
Of Counsel for Defendant.

Sworn to and subscribed before me on this the 14th day of November, 1959.

(S) Ruth Jamison,
Notary Public, in and for
Claiborne Parish, Louisiana.

97 In United States District Court

Response to requests for admissions by citizens council of Washington Parish, Defendant

Filed Nov. 17, 1959

The Citizens Council of Washington Parish, defendant, makes the following admissions and denials on the request for admissions served on defendant by mail under date of November 6th, 1959, by the United States of America, the plaintiff:

Request No. 1

Defendant admits the matter stated therein.

Request No. 2

Defendant specially denies that the Citizens Council of Washington Parish is affiliated with the Association of Citizens Council of Louisiana. Defendant points out that Article 3 of defendant's charter reads as follows:

"This corporation is and shall remain independent, wholly self-governing body, and though it may cooperate with other organizations for the purpose of carrying out any of the corporate objectives, shall never surrender any of its powers or authorities to any other corporation, organization, or individual."

Request No. 3

In response to the request to admit statement No. 3, defendant especially avers that one of its purposes as set forth in Article 2, Section 4, is:

"To encourage (its members) in their efforts in the
98 protection and preservation of our American way of life; to reveal the true basic elements of Socialism and Communism so as to fortify them to reject the assault which is constantly being waged upon our institutions by the Socialistic and Communistic forces in the Country."

That in order to carry out this purpose, defendant, Citizens Council knows that it must maintain segregation of the White and Negro races in Washington Parish and in Louisiana and accordingly, that is one of its purposes, although not specifically mentioned in its charter.

With respect to the Association of Citizens Councils of Louisiana, defendant cannot assert of its own positive knowledge that that is one of its purposes, but your defendant verily believes it to be a purpose of said association and consequently admits the same for the purposes of these proceedings.

Request No. 4

That defendant, Citizens Council admits that it heartily approves of the action of defendant, McElveen, and others in removing from the rolls of Washington Parish hundreds of illegally registered voters. To this extent, defendant, Citizens Council, fully indorsed and indorses the challenging. However, defendant had been informed all along that under Louisiana Law, challenging could only be conducted by two qualified voters of the Parish, so that the challenging referred

to was an independent action by the parties involved. Defendant, nevertheless, again fully indorses this action, here and now, and deplores the action of those individuals, 99 in and out of the United States Government, who might seek to subvert the laws of Louisiana under the specious contention that they are protecting someone's "Civil Rights".

MEADORS, SHAW AND MEADORS.
By: (S) W. M. Shaw,
W. M. SHAW,
Of Counsel for Defendant.

Sworn to and subscribed before me on this the 14th day of November, 1959.

[SEAL] (S) RUTH JAMISON,
Notary Public in and for
Claiborne Parish, Louisiana.

In United States District Court

Hearing on motion for preliminary injunction by plaintiff, etc.; argument; and submission

Nov. 18, 1959

Minute entry: Wright, J.

This cause came on this day to be heard on motion for preliminary injunction by plaintiff and opposition of Attorney General of La. to said motion.

Present: M. Hepburn Many, U.S. Attorney; Weldon A. Counsins, Asst. Atty. Gen. State of La.; Henry W. Watts, Jr., Atty. for Curtis M. Thomas; Benjamin C. Toledano, Esq., W. H. Shaw, Esq., Attys. for Citizens Council of Wash. Par.

Counsels for parties offered various documents.

Argument:

The matter was submitted when the court took time to consider.

Counsel for parties to file proposed findings of fact and conclusions of law by November 25, 1959.

J. S. W.

99–A In the United States District Court for the Eastern District of Louisiana, New Orleans Division

Civil Action No. 9146

UNITED STATES OF AMERICA, PLAINTIFF

vs.

DIAZ D. McELVEEN, ET AL., DEFENDANT

STATE OF LOUISIANA,
Parish of Orleans:

Defendant Curtis M. Thomas supporting affidavit No. 1

(Filed Nov. 13, 1959)

[File endorsement omitted]

Before me, the undersigned authority, a Notary in the above Parish and State, personally came and appeared: Curtis M. Thomas who after being first duly sworn did, on his oath, declare.

That, he is defendant in the above entitled and numbered cause, and is the Registrar of Voters for Washington Parish, State of Louisiana, and has been the registrar since September, 1949.

That, as Registrar of Voters for Washington Parish he has not discriminated against anyone, including members of the colored race, in any manner whatsoever in the administration of his duties as said Registrar.

That, at all times he was acting in compliance with the laws of the State of Louisiana, with a Judgment of the United States District Court, Eastern District of Louisiana, New Orleans Division, Civil Action No. 2790, entitled "Joe Dean, et al. vs. Curtis M. Thomas, etc." rendered by said court
99–B on July 25, 1950; and a judgment of the Twenty Second Judicial District Court of Louisiana, Parish of Louisiana, Civil Docket No. 18,751 entitled "Curtis M. Thomas vs. May McElveen, et al", which judgment was issued on the 6th day of April, 1959. Defendant attaches hereto certified copies

of said judgments, and makes them a part hereof and marking them for identification, "Defendant Registrar, #1 and, Defendant Registrar #2".

Curtis M. Thomas,
CURTIS M. THOMAS,
Registrar of Voters, Washington Parish.

Sworn to and subscribed before me, Notary, this 9th day of November, 1959.

Weldon A. Cousins.
WELDON A. COUSINS.

Defendant Registrar Exhibit No. 2—Reasons for judgment by Twenty-second Judicial District Court of Louisiana, Parish of Washington in case of Curtis M. Thomas v. Ray McElveen, et al. Omitted. Printed side page 87-F ante.

99-I *Defendant's Registrar #1*

United States District Court, Eastern District of Louisiana, New Orleans Division

#2790. Civil Action

JOE DEAN, ET AL.

vs.

CURTIS M. THOMAS, ETC.

JUDGMENT

This matter came on for hearing on motion of petitioners for judgment by default, all delays for filing an answer having elapsed; and upon petitioners showing that defendant failed to make an appearance or file an answer, and considering the testimony of the witnesses, Joe Dean and Charles Otis, and the entire record; the Court being of the opinion that the petitioners are entitled to the relief sought.

It is ordered, adjudged and decreed that the policy, custom, usage and practice of defendant in denying the petitioners and other Negroes similarly situated, the right to register and to qualify as electors in Washington Parish, Louisiana, solely on account of race and color, is a denial of the equal protection of the Laws as guaranteed by the 14th Amendment to the Constitution of the United States, as well as a denial of a right

to vote as guaranteed by the 15th Amendment to the Constitution of the United States;

It is further ordered, adjudged and decreed that a permanent injunction issue herein forever restraining and enjoining the defendant from denying and refusing to register eligible Negroes as electors in Washington Parish, Louisiana, solely on account of their race and color;

It is further ordered, adjudged and decreed, that a permanent injunction issue herein, restraining and enjoining the defendant from making any distinction based upon race and color in the registration of electors in Washington Parish, Louisiana.

Defendant to pay all costs.

New Orleans, Louisiana, July 25, 1950.

(Signed) J. SKELLY WRIGHT,
Judge.

99–J In the United States District Court for the Eastern District of Louisiana, New Orleans Division

Civil Action No. 9146

UNITED STATES OF AMERICA, PLAINTIFF

vs.

DIAZ D. MCELVEEN, ET AL., DEFENDANTS

Defendant's supporting affidavit No. 1

STATE OF LOUISIANA,
Parish of Orleans:

[File endorsement omitted.]

Before me, the undersigned authority, a Notary in the above Parish and State, personally came and appeared: Saxon Farmer, and Eugene Farmer who after being first duly sworn did, on their oath, declare:

That, we are defendants in the above entitled and numbered cause; are residents of Washington Parish.

That, we are duly qualified and registered voters of the Parish of Washington in the State of Louisiana and were duly qualified and registered to vote at all times mentioned herein.

That, during the later part of 1958 and a large part of 1959,

we examined the voter registration rolls of Washington Parish for the purpose of ascertaining whether or not there were any persons thereon illegally registered to vote.

That, we, together with other individuals, some of whom are named in the captioned suit as defendants, discovered a
99–K large number of illegally registered voters, the vast majority which indicated on their registration cards that they were members of the Negro race.

That, during this time we joined with other citizens of Washington Parish to challenge the registration of a large number of parties.

That, among those whom we challenged were all, or substantially all, of the individuals named in paragraph 13 of the petition of the United States herein.

That, in each case in which either of us joined in a challenge, the registration card was carefully examined and it was determined that the person who filled out the card had made an error or errors which was patent on the face of the card.

That, in no case, did either of us or anyone else whom we joined in a challenge, to our knowledge, challenge anyone solely because he was a Negro or because of his race, color, or creed. In each case the challenge was based upon some error the individual had made in registration.

That, we had, before commencing this clean up of the rolls in Washington Parish, discussed the legal requirement of voting at length with lawyers learned in the laws of Louisiana and the United States; had read the registration laws and had studied pamphlets and briefs prepared for instruction of those wishing to clean up registration rolls.

That, we prepared for our task as thoroughly as we could and that we firmly believe that each challenge was legal, correct, and strictly in accordance with our registration laws in the State of Louisiana.

That, in a very large number of these cases, the card of challenged registrant contained many errors, but in order to reduce the work load, I based my challenge on one, or maybe two, errors in the card and did not bother to list all of the errors.

99–L That, from our examination of the voter rolls of Washington Parish, we can say without hesitation, that they were in a deplorable condition, showing that the laws of

the State of Louisiana had not been enforced with any degree of firmness.

That, in connection with our part of this voter clean up, we should like to state that we became interested in the matter of the illegal registration of voters through the work of the Joint Legislative Committee of the State of Louisiana and we had conferences with regard to the laws, with representatives of that Committee from time to time.

SAXON FARMER.
EUGENE FARMER.

Sworn to and subscribed before me on this the 6th day of November, 1959.

Henry Joseph Roberts, Jr.,
HENRY J. ROBERTS,
Notary Public,
Parish of Orleans.

99–M In the United States District Court for the Eastern District of Louisiana, New Orleans Division

Civil Action No. 9146

UNITED STATES OF AMERICA, PLAINTIFF

vs.

DIAZ D. MCELVEEN, ET AL., DEFENDANTS

Defendant's supporting affidavit No. 2

STATE OF LOUISIANA.
Parish of Orleans.

[File endorsement omitted.]

Before me, the undersigned authority, a Notary in the above Parish and State, personally came and appeared: E. Ray McElveen who after being first duly sworn did, on his oath, declare:

That, I am one of the defendants in the above entitled and numbered cause; am a resident of Washington Parish; and am thirty-six years of age.

That, I am now a duly qualified and registered voter of the Parish of Washington in the State of Louisiana and was duly qualified and registered to vote at all times mentioned herein.

That, during the later part of 1958 and a large part of 1959, I examined the voter registration rolls of Washington Parish for the purpose of ascertaining whether or not there were any persons thereon illegally registered to vote.

That, I, together with other individuals, some of whom are named in the captioned suit as defendants, discovered a large number of illegally registered voters, the vast majority of which indicated on their registration cards that they were members of the Negro race.

99-N

That, during this time I joined with other citizens of Washington Parish to challenge the registration of a large number of these parties.

That, among those whom I challenged were all, or substantially all, of the individuals named in paragraph 13 of the petition of the United States herein.

That, in each case in which I joined in a challenge, I examined the registration card and determined, to the best of my knowledge, that the person who filled out that card had made an error which was patent on the face of that card.

That, in no case did I, or anyone else with whom I joined in a challenge, to my knowledge, challenged anyone solely because he was a Negro or because of his race, color, or creed. In each case the challenge was based upon some error the individual had made in registration.

That, I had, before commencing this clean up of the rolls in Washington Parish, discussed the legal requirement of voting at length with lawyers learned in the laws of Louisiana and the United States; had read the registration laws and had studied pamphlets and briefs prepared for instruction of those wishing to clean up registration rolls.

That, I prepared for my task as thoroughly as I could and that I firmly believe that each challenge was legal, correct, and strictly in accordance with our registration laws in the State of Louisiana.

That, in a very large number of these cases, the card of challenged registrant contained many errors, but in order to reduce the work load, I based my challenge on one, or maybe two, errors in the card and did not bother to list all of the errors.

99-O

That, from my examination of the voter rolls of Washington Parish, I can say without hesitation, that they were in a deplorable condition, showing that the laws of the State of

Louisiana had not been enforced with any degree of firmness.

That, in connection with my part of this voter clean up, I should like to state that I became interested in the matter of the illegal registration of voters through the work of the Joint Legislative Committee of the State of Louisiana and I had conferences with regard to the laws, with representatives of that Committee from time to time.

E. RAY MCELVEEN.

Sworn to and subscribed before me on this the 6th day of November 1959.

Henry Joseph Roberts, Jr.
HENRY J. ROBERTS,
Notary Public,
Orleans Parish.

99–P In the United States District Court for the Eastern District of Louisiana, New Orleans Division

Civil Action No. 9146

UNITED STATES OF AMERICA, PLAINTIFF

vs.

DIAZ D. MCELVEEN, ET AL., DEFENDANTS

Defendant's supporting affidavit No. 3

STATE OF LOUISIANA,
Parish of Orleans:

[File endorsement omitted.]

Before me, the undersigned authority, a Notary in the above Parish and State, personally came and appeared: Diaz D. McElveen who after being first duly sworn did, on his oath, declare:

That, I am one of the defendants in the above entitled and numbered cause; am a resident of Washington Parish; and am sixty-eight years of age.

That, I am now a duly qualified and registered voter of the Parish of Washington in the State of Louisiana and was duly qualified and registered to vote at all times mentioned herein.

That, during the later part of 1958 and a large part of 1959, I examined the voter registration rolls of Washington Parish

for the purpose of ascertaining whether or not there were any persons thereon illegally registered to vote.

That, I, together with other individuals, some of whom are named in the captioned suit as defendants, discovered
99-Q a large number of illegally registered voters, the vast majority which indicated on their registration cards that they were members of the Negro race.

That, during this time I joined with other citizens of Washington Parish to challenge the registration of a large number of these parties.

That, among those whom I challenged were all, or substantially all, of the individuals named in paragraph 13 of the petition of the United States herein.

That, in each case in which I joined in a challenge, I examined the registration card and determined, to the best of my knowledge, that the person who filled out that card had made an error which was patent on the face of that card.

That, in no case did I, or anyone else with whom I joined in a challenge, to my knowledge, challenged anyone solely because he was a Negro or because of his race, color, or creed. In each case the challenge was based upon some error the individual had made in registration.

That, I had, before commencing this clean up of the rolls in Washington Parish, discussed the legal requirement of voting at length with lawyers learned in the laws of Louisiana and the United States; had read the registration laws and had studied pamphlets and briefs prepared for instruction of those wishing to clean up registration rolls.

That, I prepared for my task as thoroughly as I could and that I firmly believe that each challenge was legal, correct, and strictly in accordance with our registration laws in the State of Louisiana.

That, in a very large number of these cases, the card of challenged registrant contained many errors, but in order to reduce the work load, I based my challenge on one, or maybe
99-R two, errors in the card and did not bother to list all of the errors.

That, from my examination of the voter rolls of Washington Parish, I can say without hesitation, that they were in a deplorable condition, showing that the laws of the

State of Louisiana had not been enforced with any degree of firmness.

That, in connection with my part of this voter clean up, I should like to state that I became interested in the matter of the illegal registration of voters through the work of the Joint Legislative Committee of the State of Louisiana and I had conferences with regard to the laws, with representatives of that Committee from time to time.

That, at the request of my attorney, I had photo copies made of the registration card of a number of those parties listed in paragraph 13 of the complaint of the United States.

That, annexed to this affidavit are photo copies of these registration cards and copies of the form of challenge used on each.

That, these photo copies were made under my direction and in my presence and represent a true copy of the registration card and the challenge forms attached are copies of the originals used.

That, these documents may be more particularly described as follows:

1. Application for registration of Moses L. Richmond, dated 2 4 57, showing the following errors on the face of the card.

a) Error of three days in computation of age.

b) Failure to fill out place of existing registration.

Which application form marked "Exhibit A" for identification. Also annexed is the carbon copy of the challenge which has been marked "A–1" for identification.

2. Application for registration of Henry Sims, dated 5/14/58, showing the following errors on the face of the card.

a) Failed to give the months of age and contained an error of one day in the computation of days.

b) Failed to fill in the date of registration. Same was stamped with a rubber stamp.

Which application is marked "Exhibit B" for identification. Also, annexed is a carbon copyq of the challenge marked "B–1" for identification.

3. Application for registration of Albert Robert Wilson, dated 5/30/57, showing the following errors on the face of the card.

a) Contained error of one day in computation of age.

b) Failed to fill in time lived in the State.

c) Failed to fill in correctly time lived in Parish or precinct and ward.

d) Various other errors which were of a minor nature.

99-S Which application and a carbon copy of the challenge are marked Exhibit "C" and "C-1" respectively for identification.

4. Application for registration of Frank Shumake dated 5 23 57, showing the following errors on the face of the card.

a) Error in computing one month's age.

b) Error made in stating place of present registration.

Which application and a carbon copy of the challenge are marked Exhibit "D" and "D-1" respectively for identification.

5. Application for registration of Joe Dean, dated 1/2/57, showing the following errors on the face of the card.

a) Error in one day's computation of age.

b) Error in name of householder.

c) Error in County of birth.

d) No affidavit of disability accompanying or attached to registration, so form for such was used.

e) Card not filled out on question to present registration.

Which application and a carbon copy of the challenge are marked Exhibit "E" and "E-1" for identification.

6. Application for registration of Samuel Rogers, dated 6 14 58, showing the following error on the face of the card.

a) Error of one month in computing of age.

Which application and a carbon copy of the challenge are marked Exhibit "F" and "F-1" for identification.

7. Application for registration of Allie Mae Johnson, dated 6 4 57, showing the following errors on the face of the card.

a) Error of one year in computation of age.

b) Failed to state year of birth correctly.

Which application and carbon copy of the challenge are marked Exhibit "G" and "G-1" for identification.

8. Application for registration of Lionel M. Verdun, dated 6 4 57, showing the following error on the face of the card.

a) Error of 11 days in computation of age.

Which application and carbon copy of the challenge are marked Exhibit "H" and "H-1" for identification.

9. Application for registration of Ethel A. Smith, dated 6 4 57, showing the following errors on the face of the card.

99–T a) Error of one month and one day in computation of age.

Which application and carbon copy of the challenge are marked Exhibit "I" and "I–1" for identification.

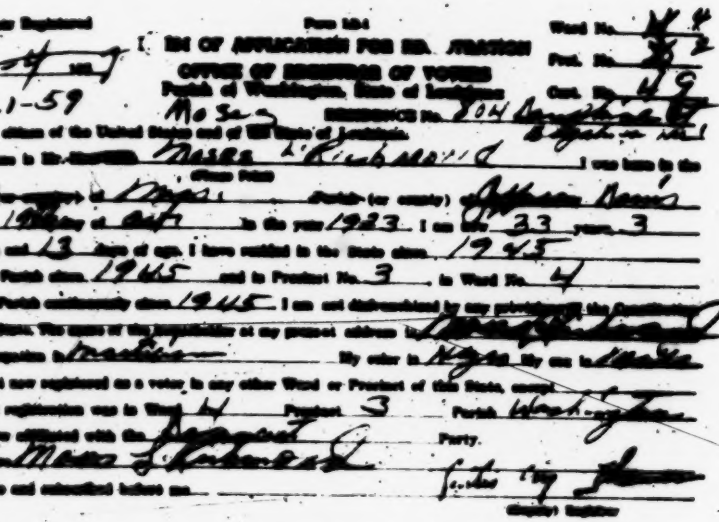
D. D. McElveen.

Sworn to and subscribed before me on this the 6th day of November, 1959.

Henry Joseph Roberts, Jr.,
Henry J. Roberts,
Notary Public,
Orleans Parish.

99–U

EXHIBIT A



Date Registered — Form 104 — Ward No. 4
204 — APPLICATION FOR REGISTRATION — Pct. No. 2
OFFICE OF REGISTRAR OF VOTERS
Parish of Washington, State of Louisiana — Con. No. 49
9-1-59 — RESIDENCE No. 804 Bogalusa
I am a citizen of the United States and of this State of Louisiana.
My name is Mr. Mrs. Miss (Given Name) Moses L'Richmond I was born in the
State (or country) of Miss. Parish (or county) of Jefferson Davis
on the 19th day of Oct. in the year 1923. I am 33 years, 3
months and 13 days of age. I have resided in this State since 1945
in this Parish since 1945 and in Precinct No. 3 in Ward No. 4
of this Parish uninterruptedly since 1945. I am not disfranchised by any provision of the Constitution
of this State. The name of the last place of my present address in
My occupation is Mechanic My color is Negro My age is 36
I am not now registered as a voter in any other Ward or Precinct of this State, except
My last registration was in Ward 4 Precinct 3 Parish Washington
I am now affiliated with the Democratic Party.
Moses L'Richmond
Sworn to and subscribed before me
Deputy Registrar

99–V

EXHIBIT A–1

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF

PERSONALLY CAME AND APPEARED BEFORE ME
(DEPUTY) REGISTRAR OF VOTERS IN AND FOR THE PARISH OF
STATE OF LOUISIANA
AND
WHO BEING DULY SWORN, DO DEPOSE AND SAY
THAT THEY ARE BONA FIDE REGISTERED VOTERS OF THIS PARISH, THAT AFTER REASONABLE INVESTIGATION BY THEM, AND EACH OF THEM, AND ON INFORMATION AND BELIEF, THAT
REGISTERED FROM
(Municipal number and street, if any)
TO WHOM WAS ISSUED REGISTRATION CERTIFICATE NO WARD
PRECINCT , OF THIS PARISH, IS ILLEGALLY REGISTERED OR HAS LOST HIS OR HER RIGHT TO VOTE IN THE PRECINCT, WARD OR PARISH IN WHICH THEY ARE REGISTERED, FOR THE FOLLOWING REASONS:

AND SHOULD BE ERASED FROM THE OFFICIAL PRECINCT REGISTER OF WARD
PRECINCT THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF CAUSING SAID NAME TO BE ERASED
SWORN TO AND SUBSCRIBED BEFORE ME, ON THIS DAY OF

(Deputy) Registrar of Voters

99–W

EXHIBIT B

Date Registered MAY 1 4 1958 19__

Form 58-1

FORM OF APPLICATION FOR REGISTRATION

OFFICE OF REGISTRAR OF VOTERS
Parish of Washington, State of Louisiana

Ward No. __
Pret. No. __
Cert. No. __
RESIDENCE No. __

I am a citizen of the United States and of the State of Louisiana.

My name is Mr.-Mrs.-Miss HENR (Given Name) I was born in the State (or country) of [illegible] Parish (or county) of __ on the 4 day of __ in the year __. I am now __ years, months and 9 days of age. I have resided in the State since __ in this Parish since 19__ and in Precinct No. __, in Ward No. 4 of this Parish continuously since __. I am not disfranchised by any provisions of the Constitution of this State. The name of the householder at my present address is __

My occupation is Porter My color is __ My sex is __

I am not now registered as a voter in any other Ward or Precinct of this State, except ~~__~~

My last registration was in Ward 4 Precinct 2 Parish [illegible]

I am now affiliated with the [illegible] Party.

Signature Henry Sims

Sworn to and subscribed before me Curtis M Thomas (Deputy) Registrar

99–X

EXHIBIT B–1

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF Washington

PERSONALLY CAME AND APPEARED BEFORE ME

(DEPUTY) REGISTRAR OF VOTERS IN AND FOR THE PARISH OF Washington

STATE OF LOUISIANA,

E. M. Thomas AND Eugene Franklin

WHO BEING DULY SWORN, DO DEPOSE AND SAY:

THAT THEY ARE BONA FIDE REGISTERED VOTERS OF THIS PARISH, THAT AFTER REASONABLE INVESTIGATION BY THEM, AND EACH OF THEM, AND ON INFORMATION AND BELIEF, THAT Henry Lingo

REGISTERED FROM 643 2nd Street
(Municipal number and street, if any)

TO WHOM WAS ISSUED REGISTRATION CERTIFICATE NO — WARD 4

PRECINCT ..... , OF THIS PARISH, IS ILLEGALLY REGISTERED OR HAS LOST HIS OR HER RIGHT TO VOTE IN THE PRECINCT, WARD OR PARISH IN WHICH THEY ARE REGISTERED, FOR THE FOLLOWING REASONS:

Name not spelled correctly on Application
Age not completed correctly on Application

AND SHOULD BE ERASED FROM THE OFFICIAL PRECINCT REGISTER OF WARD 4

PRECINCT 2 THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF CAUSING SAID NAME TO BE ERASED.

SWORN TO AND SUBSCRIBED

BEFORE ME, ON THIS 1st

DAY OF July, 1941 E. M. Thomas

(Deputy) Registrar of Voters

99–Y

EXHIBIT C

Date Registered 5-20 1921

Form LR-1

POard OF APPLICATION FOR REGISTRATION

OFFICE OF REGISTRAR OF VOTERS
Parish of Washington, State of Louisiana

Ward No. 3
Prct. No. 2
Cont. No. 352

RESIDENCE No. 624 17th Ave

I am a citizen of the United States and of the State of Louisiana.

My name is Mr./Mrs./Miss Curtis Robert Wilson (Please Print) I was born in the State (or country) of La Parish (or county) of Washington on the 29 day of Aug in the year 1896. I am now 48 years 9 months and 2 days of age. I have resided in the State since

in this Parish since Oct 1919 and in Precinct No. 2, in Ward No. 3 of this Parish continuously since Oct 1919. I am not disfranchised by any provisions of the Constitution of this State. The name of the householder at my present address is Curtis Robert Wilson

My occupation is Farmer. My color is Negro. My sex is M

I am not now registered as a voter in any other Ward or Precinct of this State, except

My last registration was in Ward 3 Precinct 2 Parish Washington

I am now affiliated with the Democrat Party.

Signature Curtis Robert Wilson

Sworn to and subscribed before me

(Deputy) Registrar

99-Z

EXHIBIT C-1

AFFIDAVIT IN CASE REGISTRATION
OF VOTER IS CHALLENGED

STATE OF LOUISIANA
PARISH OF Washington

Personally came and appeared before me,

(Deputy) Registrar of Voters in and for the Parish of Washington State of Louisiana,

E R McElveen and D M McElveen

who being duly sworn, do depose and say:

That they are bona fide registered voters of this parish; that after reasonable investigation by them, and each of them, and on information and belief, that

Albert Robert Nelson

Registered from 928-17th Ave Franklinton
(Municipal number and street, if any)

To whom was issued registration certificate No. _____ Ward 3

Precinct 2, of this Parish, is illegally registered or has lost his or her right to vote in the precinct, ward or parish in which they are registered, for the following reasons:

Errors in Calculating Age

And should be erased from the Official Precinct Register of Ward 3 Precinct 2

that this affidavit is made for the purpose of causing said name to be erased.

E R McElveen

D M McElveen

Sworn to and subscribed before me, on this _____ day of June, 1971

(Deputy) Registrar of Voters

99–AA

EXHIBIT D

Date Registered 5/23 1967

Form LR-1

FOR OF APPLICATION FOR REGIS. ATION

OFFICE OF REGISTRAR OF VOTERS

Parish of Washington, State of Louisiana

Ward No. 4

Prct. No. 2

Cert. No. 152

RESIDENCE No. 818 East North St

I am a citizen of the United States and of the State of Louisiana.

My name is Mr. Mrs. Miss Frank C Strawbridge (Please Print) I was born in the State (or country) of Ala. Parish (or county) of Washington City on the 24 day of Sept in the year 1887. I am now 69 years, months and 29 days of age. I have resided in the State since 1920 in this Parish since 1920 and in Precinct No. 4, in Ward No. 2 of this Parish continuously since 1920. I am not disfranchised by any provisions of the Constitution of this State. The name of the householder at my present address is F. C. Strawbridge My occupation is Mail Carrier My color is W My sex is M

I am not now registered as a voter in any other Ward or Precinct of this State, except

My last registration was in Ward 4 Precinct 2 Parish Wash.

I am now affiliated with the Democrat Party.

Signature Frank C Strawbridge

Sworn to and subscribed before me James T Thomas (Deputy) Registrar

90-BB EXHIBIT D-1

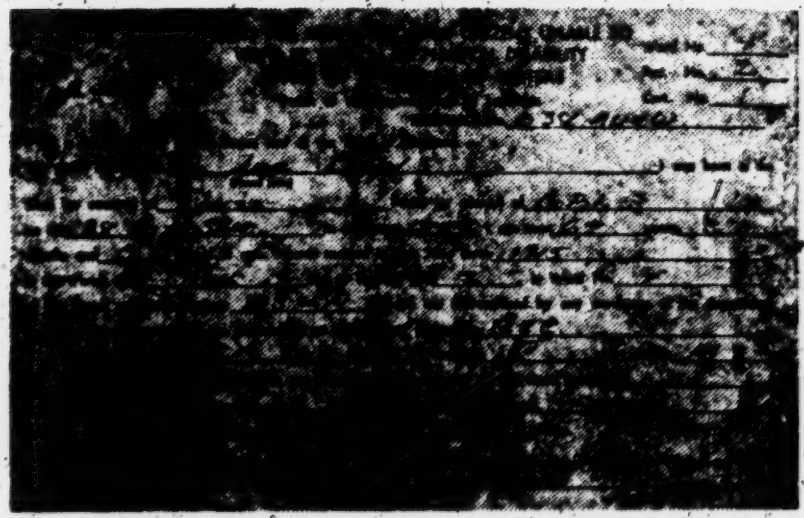
AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF Wash't.

PERSONALLY CAME AND APPEARED BEFORE ME .....
(DEPUTY) REGISTRAR OF VOTERS IN AND FOR THE PARISH OF Washington
STATE OF LOUISIANA.
E. P. Lewis AND Eugene Farris
WHO BEING DULY SWORN, DO DEPOSE AND SAY:
THAT THEY ARE BONA FIDE REGISTERED VOTERS OF THIS PARISH, THAT AFTER REASONABLE INVESTIGATION BY THEM, AND EACH OF THEM, AND ON INFORMATION AND BELIEF, THAT Frank C. Thomas
REGISTERED FROM 9 East 9th St
(Municipal number and street, if any)
TO WHOM WAS ISSUED REGISTRATION CERTIFICATE NO. ..... WARD 4
PRECINCT 2, OF THIS PARISH, IS ILLEGALLY REGISTERED OR HAS LOST HIS OR HER RIGHT TO VOTE IN THE PRECINCT, WARD OR PARISH IN WHICH THEY ARE REGISTERED, FOR THE FOLLOWING REASONS:
Incorrect computation of age on ...last letter.
.....
AND SHOULD BE ERASED FROM THE OFFICIAL PRECINCT REGISTER OF WARD 4
PRECINCT, 2 THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF CAUSING SAID NAME TO BE ERASED.
SWORN TO AND SUBSCRIBED Eugene Farris
BEFORE ME, ON THIS 1st
DAY OF May, 1909 E. P. Lewis

(Deputy) Registrar of Voters

99-CC EXHIBIT E



99–DD EXHIBIT E–1

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF Washington

PERSONALLY CAME AND APPEARED BEFORE ME .....
(DEPUTY) REGISTRAR OF VOTERS IN AND FOR THE PARISH OF Washington
STATE OF LOUISIANA
E. R. McElveen AND Eugene Farmer
WHO BEING DULY SWORN, DO DEPOSE AND SAY
THAT THEY ARE BONA FIDE REGISTERED VOTERS OF THIS PARISH, THAT AFTER REASONABLE INVESTIGATION BY THEM, AND EACH OF THEM, AND ON INFORMATION AND BELIEF, THAT Joe Jones
REGISTERED FROM 638 Ave. W.
(Municipal number and street, if any)
TO WHOM WAS ISSUED REGISTRATION CERTIFICATE NO. ..... WARD 4
PRECINCT 2, OF THIS PARISH, IS ILLEGALLY REGISTERED OR HAS LOST HIS OR HER RIGHT TO VOTE IN THE PRECINCT, WARD OR PARISH IN WHICH THEY ARE REGISTERED, FOR THE FOLLOWING REASONS:
Misspelling on application
Age not Confirmed Correctly on Application
AND SHOULD BE ERASED FROM THE OFFICIAL PRECINCT REGISTER OF WARD 4
PRECINCT 2 THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF CAUSING SAID NAME TO BE ERASED.
SWORN TO AND SUBSCRIBED E. R. McElveen
BEFORE ME, ON THIS 11th
DAY OF May, 19 59 Eugene Farmer

(Deputy) Registrar of Voters

99-EE EXHIBIT F

Date Registered 6-14-1916

Form LR-1

FORM OF APPLICATION FOR REGISTRATION

OFFICE OF REGISTRAR OF VOTERS

Parish of Washington, State of Louisiana

Ward No. 3

Prct. No. 1

Cert. No.

RESIDENCE No. R.F.D. 1 Box 1[illegible]

I am a citizen of the United States and of the State of Louisiana.

My name is Mr. Mrs. Miss Samuel Rogers (Please Print) I was born in the State (or country) of Louisiana Parish (or county) of Washington on the 14 day of March in the year 1916. I am now 24 years, 3 months and 24 days of age. I have resided in the State since 1916 in this Parish since 1916 and in Precinct No. 1, in Ward No. 6 of this Parish continuously since 1916. I am not disfranchised by any provisions of the Constitution of this State. The name of the householder of my present address is [illegible] Rogers

My occupation is Picker My color is Negro My sex is M.

I am not now registered as a voter in any other Ward or Precinct of this State, except [illegible]

My last registration was in Ward 6 Precinct 1 Parish Washington

I am now affiliated with the Democratic Party.

Signature Samuel Rogers

Sworn to and subscribed before me Curtis M. Thomas

(Deputy) Registrar

99–FF

EXHIBIT F–1

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA
PARISH OF Washington

Personally came and appeared before me _____

(Deputy) Registrar of Voters in and for the Parish of Washington
State of Louisiana, E. W. McElveen and D. D. McElveen

who being duly sworn, do depose and say

That they are bona fide registered voters of this parish; that after reasonable investigation by them, and each of them, and on information and belief, that Samuel Rogers

Registered from 114 Park 128 # Varnado Ln
(Municipal number and street, if any)

To whom was issued registration certificate No. _____ Ward 5

Precinct 1, of this Parish, is illegally registered or has lost his or her right to vote in the precinct, ward or parish in which they are registered, for the following reasons: Owns Cemetery Esq

And should be erased from the Official Precinct Register of Ward 5 Precinct 1

that this affidavit is made for the purpose of causing said name to be erased.

E. W. McElveen

D. D. McElveen

Sworn to and subscribed before me, on this 7th day of May, 19 54

(Deputy) Registrar of Voters

99–GG EXHIBIT G

Form LR-1

Date Registered 6/4 1952

FORM OF APPLICATION FOR REGISTRATION
OFFICE OF REGISTRAR OF VOTERS
Parish of Washington, State of Louisiana

Ward No. 4
Prct. No. 2
Cert. No. 14

RESIDENCE No. 608 1st Ave.

I am a citizen of the United States and of the State of Louisiana.
My name is Mr. Mrs. Miss Allie Mae Thomas (Please Print) I was born in the State (or country) of Mississippi Parish (or county) of Washington on the 31 day of Oct. in the year 23. I am now 34 yrs. 7 months and 4 days of age. I have resided in the State since 1923 in this Parish since 1923 and in Precinct No. 2 in Ward No. 4 of this Parish continuously since 1923. I am not disfranchised by any provisions of the Constitution of this State. The name of the householder at my present address is C. C. Johnson
My occupation is Housewife My color is Negro My sex is Female
I am not now registered as a voter in any other Ward or Precinct of this State, except
My last registration was in Ward 4 Precinct 2 Parish Washington
I am now affiliated with the Democratic Party.

Signature Allie Mae Thomas

Sworn to and subscribed before me

Curtis M. Thomas
(Deputy) Registrar

99-HH

EXHIBIT G-1

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

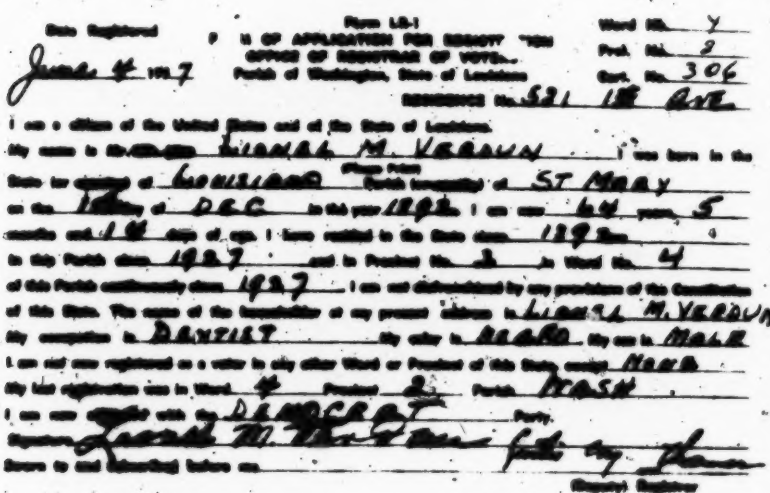
STATE OF LOUISIANA—PARISH OF [illegible]

PERSONALLY CAME AND APPEARED BEFORE ME.....
(DEPUTY) REGISTRAR OF VOTERS IN AND FOR THE PARISH OF [illegible]
STATE OF LOUISIANA.
[illegible] AND [illegible]
WHO BEING DULY SWORN, DO DEPOSE AND SAY:
THAT THEY ARE BONA FIDE REGISTERED VOTERS OF THIS PARISH, THAT AFTER REASONABLE INVESTIGATION BY THEM, AND EACH OF THEM, AND ON INFORMATION AND BELIEF, THAT [illegible]
REGISTERED FROM [illegible]
(Municipal number and street, if any).
TO WHOM WAS ISSUED REGISTRATION CERTIFICATE NO..... WARD 4
PRECINCT 2, OF THIS PARISH, IS ILLEGALLY REGISTERED OR HAS LOST HIS OR HER RIGHT TO VOTE IN THE PRECINCT, WARD OR PARISH IN WHICH THEY ARE REGISTERED, FOR THE FOLLOWING REASONS:
[illegible] registration card
[illegible]

AND SHOULD BE ERASED FROM THE OFFICIAL PRECINCT REGISTER OF WARD 4
PRECINCT, 2 THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF CAUSING SAID NAME TO BE ERASED.
SWORN TO AND SUBSCRIBED [illegible]
BEFORE ME, ON THIS 2
DAY OF [illegible], 1917 [illegible]

(Deputy) Registrar of Voters

99–II EXHIBIT H



99-JJ

EXHIBIT H-1

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF Washington

PERSONALLY CAME AND APPEARE BEFORE ME .....

(DEPUTY) REGISTRAR OF VOTERS IN AND FOR THE PARISH OF Washington

STATE OF LOUISIANA

E. P. McElveen AND Eugene Jones

WHO BEING DULY SWORN, DO DEPOSE AND SAY:

THAT THEY ARE BONA FIDE REGISTERED VOTERS OF THIS PARISH, THAT AFTER REASONABLE INVESTIGATION BY THEM AND EACH OF THEM, AND ON INFORMATION AND BELIEF, THAT Fiona M. Jackson

REGISTERED FROM 521 Pine Ave.

(Municipal number and street, if any)

TO WHOM WAS ISSUED REGISTRATION CERTIFICATE NO. ..... WARD 4

PRECINCT 2, OF THIS PARISH, IS ILLEGALLY REGISTERED OR HAS LOST HIS OR HER RIGHT TO VOTE IN THE PRECINCT, WARD OR PARISH IN WHICH THEY ARE REGISTERED, FOR THE FOLLOWING REASONS:

Age not Computed Correctly on application

AND SHOULD BE ERASED FROM THE OFFICIAL PRECINCT REGISTER OF WARD 4

PRECINCT, 2 THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF CAUSING SAID NAME TO BE ERASED.

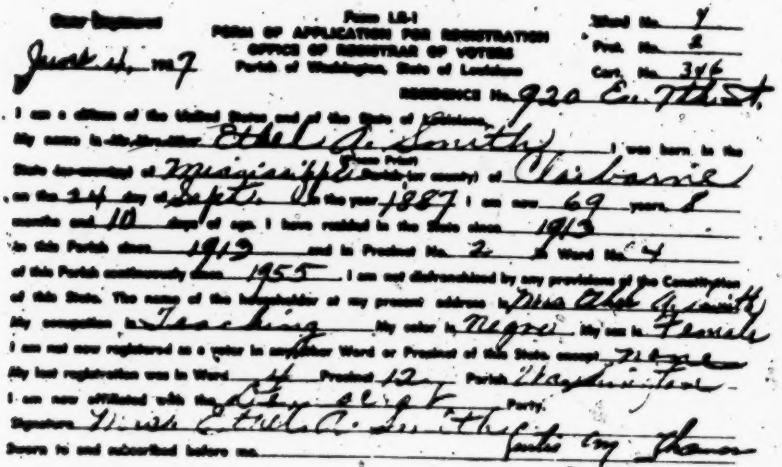
SWORN TO AND SUBSCRIBED E. P. McElveen

BEFORE ME ON THIS 7th

DAY OF Nov. 19 31 Registration

(Deputy) Registrar of Voters

99–KK EXHIBIT I



Form L.S.-1
FORM OF APPLICATION FOR REGISTRATION
OFFICE OF REGISTRAR OF VOTERS
Parish of Washington, State of Louisiana

Ward No. 4
Pct. No. 2
Cert. No. 346
RESIDENCE No. 920 E. 7th St.

June 11, 1947

I am a citizen of the United States and of the State of Louisiana,
My name is (in full) Ethel A. Smith (Name Print) I was born in the
State (or country) of Mississippi (Parish or county) of Tishomingo
on the 24 day of Sept. in the year 1887 I am now 69 years 8
months and 10 days of age. I have resided in the State since 1913
in this Parish since 1913 and in Precinct No. 2 in Ward No. 4
of this Parish continuously since 1955 I am not disfranchised by any provisions of the Constitution
of this State. The name of the householder at my present address is Miss Ethel A. Smith
My occupation is Teaching My color is Negro My sex is Female
I am not now registered as a voter in another Ward or Precinct of this State except Negro
My last registration was in Ward 4 Precinct 12 Parish Washington
I am now affiliated with the Citizens Party.
Signature Miss Ethel A. Smith
Sworn to and subscribed before me, Curtis Coy Thomas
(Deputy) Registrar

90-LL

EXHIBIT I-1

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF Washington

PERSONALLY CAME AND APPEARED BEFORE ME .....
(DEPUTY) REGISTRAR OF VOTERS IN AND FOR THE PARISH OF Washington
STATE OF LOUISIANA)
Curtis M. Thomas AND Eugene Jones
WHO BEING DULY SWORN, DO DEPOSE AND SAY:
THAT THEY ARE BONA FIDE REGISTERED VOTERS OF THIS PARISH, THAT AFTER REASONABLE INVESTIGATION BY THEM, AND EACH OF THEM, AND ON INFORMATION AND BELIEF, THAT Ethel A. Smith
REGISTERED FROM 920 E 7th St.
(Municipal number and street, if any)
TO WHOM WAS ISSUED REGISTRATION CERTIFICATE NO. ..... WARD 4
PRECINCT 2, OF THIS PARISH, IS ILLEGALLY REGISTERED OR HAS LOST HIS OR HER RIGHT TO VOTE IN THE PRECINCT, WARD OR PARISH IN WHICH THEY ARE REGISTERED, FOR THE FOLLOWING REASONS:
Age not Correct on Registration Application

AND SHOULD BE ERASED FROM THE OFFICIAL PRECINCT REGISTER OF WARD 4
PRECINCT, 2 THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF CAUSING SAID NAME TO BE ERASED.
SWORN TO AND SUBSCRIBED Curtis M. Thomas
BEFORE ME, ON THIS 1st
DAY OF Dec., 19 47 Eugene Jones

(Deputy) Registrar of Voters

99–MM In the United States District Court for the Eastern District of Louisiana, New Orleans Division

Civil Action No. 9146

UNITED STATES OF AMERICA, PLAINTIFF

vs.

DIAZ D. MCELVEEN, ET AL., DEFENDANTS

Defendants supporting affidavit No. 4

STATE OF LOUISIANA,
Parish of Washington:

[File endorsement omitted.]

Before me, the undersigned authority, a Notary in the above Parish and State, personally came and appeared: Diaz D. McElveen who after being first duly sworn did, on his oath, declare;

That at the request of my attorney i had Photo copies made of a number of the applications cards involved, and Wish to identify them with this affidavit.

That these applications cards were taken as filed and not selected.

1. Hattie Graves
   Bogalusa, La.
   Challenged misspelling.
2. Curtis Sampson,
   Bogalusa, La.
   Challenged misspelling.
3. Bessie Butler
   Bogalusa, La.
   Challenged misspelling.
4. Robert E. Young
   Bogalusa, La.
   Challenged not properly filled in
5. Susie Ganiway
   Bogalusa, La.
   age not properly calculated, challenged.
6. Percy Gatlin
   Bogalusa, La.
   Challenged misspelling.

7. Hildred Sanders
   Bogalusa, La.
   Incorrect age on application
8. Mary L. Speight
   Bogalusa, La.
   Incorrect age., challenged
9. Elsie Ashley
   Bogalusa, La.
   Incorrect age, challenged
10. James Davis
    Bogalusa, La.
    Mispelling and violated printed instructions on application, challenged.

Sworn to and subscribed before me, Charles A. McCain, Deputy Clerk of Court and Ex-Officio Notary Public, this the 7th day of November, 1959.

Diaz D. McElveen.
DIAZ D. MCELVEEN.
[SEAL] CHARLES A. MCCAIN,
Notary Public.

Date Registered
3 20 1928

Form LR-1
FORM OF APPLICATION FOR REGISTRATION
OFFICE OF REGISTRAR OF VOTERS
Parish of Washington, State of Louisiana

Ward No. 4
Pct. No. 8
Cert. No.
RESIDENCE No. Bogalusa Le pa 17 104

I am a citizen of the United States and of the State of Louisiana.
My name is Mr.-Mrs.-Miss Katie Graves (Please Print) I was born in the
State (or country) of La. Parish (or county) of Tangipahoa
on the 19 day of Dec in the year 1894 I am now 60 years, 2
months and 10 days of age. I have resided in the State since 1941
in this Parish since 1902 and in Precinct No. 8 in Ward No. 4
of this Parish continuously since 1902 I am not disfranchised by any provisions of the Constitution
of this State. The name of the householder at my present address is Dock Graves.
My occupation is House Wife My color is Colored My sex is female
I am not now registered as a voter in any other Ward or Precinct of this State, except
My last registration was in Ward 4 Precinct 8 Parish Washington
I am now affiliated with the Democ Party.
Signature Mrs Katie Graves
Sworn to and subscribed before me Curtis M Thomas (Deputy) Registrar

Date Registered
6-3 1937

Form LR-1
FORM OF APPLICATION FOR REGISTRATION
OFFICE OF REGISTRAR OF VOTERS
Parish of Washington, State of Louisiana

Ward No. 4
Pct. No. 2
Cert. No. 460
RESIDENCE No. 728 4th St

I am a citizen of the United States and of the State of Louisiana.
My name is Mr.-Mrs.-Miss Curtis M Jamerson (Please Print) I was born in the
State (or country) of Mississippi (Parish (or county) of Perry
on the 8 day of 1902 in the year 1902 I am now 35 years, 9
months and 19 days of age. I have resided in the State since 1917
in this Parish since 1917 and in Precinct No. 4 in Ward No. 4
of this Parish continuously since 1917 I am not disfranchised by any provisions of the Constitution
of this State. The name of the householder at my present address is Dock Jamerson
My occupation is Hauel Wrisl My color is Black My sex is Male
I am not now registered as a voter in any other Ward or Precinct of this State, except
My last registration was in Ward 4 Precinct 4 Parish Washington
I am now affiliated with the Democ Party. Dem Club
Signature Curtis Jamerson Jr. Dem Club
Sworn to and subscribed before me Curtis M Thomas (Deputy) Registrar

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF Washington

PERSONALLY CAME AND APPEARED BEFORE ME Curtis M. Thomas
(DEPUTY) REGISTRAR OF VOTERS IN AND FOR THE PARISH OF Washington
STATE OF LOUISIANA.
E. A. McElveen AND Eugene Farmer
WHO BEING DULY SWORN, DO DEPOSE AND SAY:
THAT THEY ARE BONA FIDE REGISTERED VOTERS OF THIS PARISH, THAT AFTER REASONABLE INVESTIGATION BY THEM, AND EACH OF THEM, AND ON INFORMATION AND BELIEF, THAT Curtis Simpson
REGISTERED FROM 728 4th St.
(Municipal number and street, if any)
TO WHOM WAS ISSUED REGISTRATION CERTIFICATE NO. WARD 4
PRECINCT 2, OF THIS PARISH, IS ILLEGALLY REGISTERED OR HAS LOST HIS OR HER RIGHT TO VOTE IN THE PRECINCT, WARD OR PARISH IN WHICH THEY ARE REGISTERED, FOR THE FOLLOWING REASONS:
Misspelled on application

AND SHOULD BE ERASED FROM THE OFFICIAL PRECINCT REGISTER OF WARD 4
PRECINCT, 2 THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF CAUSING SAID NAME TO BE ERASED.
SWORN TO AND SUBSCRIBED E. A. McElveen
BEFORE ME, ON THIS 3
DAY OF April, 1939 Eugene Farmer

(Deputy) Registrar of Voters.

Date Registered

Form 1A-1

Ward No. 4

Pct. No. 8

Dec 2e 1941

FORM OF APPLICATION FOR REGISTRATION

OFFICE OF REGISTRAR OF VOTERS
Parish of Washington, State of Louisiana

Cert. No.

RESIDENCE No. Bogalusa La. Rt 3

I am a citizen of the United States and of the State of Louisiana.

My name is Mr. Mrs. Miss Bessie Lee Butler (Please Print) I was born in the

State (or country) of Louisiana Parish (or county) of Tangipahoa.

on the 1 day of Oct in the year 1897 I am now 64 years, 1

months and 19 days of age. I have resided in the State since 1953

in this Parish since 1963 and in Precinct No. 8 in Ward No. 4

of this Parish continuously since 1953 I am not disfranchised by any provisions of the Constitution

of this State. The name of the householder at my present address is Estes Butler

My occupation is Farming My color is Colored My sex is Female

I am not now registered as a voter in any other Ward or Precinct of this State, except

My last registration was in Ward 4 Precinct 8 Parish Washington

I am now affiliated with the Dem. Party.

Signature Bessie Butler

Sworn to and subscribed before me Curtis Coy Thomas
Deputy Registrar

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF Washington

PERSONALLY CAME AND APPEARED BEFORE ME Franklin K. Thomas
(DEPUTY) REGISTRAR OF VOTERS IN AND FOR THE PARISH OF Washington
STATE OF LOUISIANA.
E. R. McElveen AND Eugene Farmer
WHO BEING DULY SWORN, DO DEPOSE AND SAY:
THAT THEY ARE BONA FIDE REGISTERED VOTERS OF THIS PARISH, THAT AFTER REASONABLE INVESTIGATION BY THEM, AND EACH OF THEM, AND ON INFORMATION AND BELIEF, THAT
REGISTERED FROM Bessie Dutton
(Municipal number and street, if any) R. 1, Bogalusa, La.
TO WHOM WAS ISSUED REGISTRATION CERTIFICATE NO. WARD 4
PRECINCT 8, OF THIS PARISH, IS ILLEGALLY REGISTERED OR HAS LOST HIS OR HER RIGHT TO VOTE IN THE PRECINCT, WARD OR PARISH IN WHICH THEY ARE REGISTERED FOR THE FOLLOWING REASONS:
Misspelling on application

AND SHOULD BE ERASED FROM THE OFFICIAL PRECINCT REGISTER OF WARD 4
PRECINCT, 8. THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF CAUSING SAID NAME TO BE ERASED.
SWORN TO AND SUBSCRIBED BEFORE ME, ON THIS 12 DAY OF May, 1959

Eugene Farmer
E. R. McElveen

Franklin K. Thomas
(Deputy) Registrar of Voters

Ward Registered [illegible] Precinct [illegible] Ward No. 8

6/29/ 1932 FORM OF APPLICATION FOR REGISTRATION Pct. No. 9

OFFICE OF REGISTRAR OF VOTERS Cert. No. 1913

Parish of Washington, State of Louisiana

RESIDENCE No. Route 3 Box 387

Both a citizen of the United States and of the State of Louisiana.

My name is Mr. (Surname) ROBERT E. YOUNG (Given Name) I was born in the

State (or country) of LOUISIANA Parish (or county) of BOGALUSA

on the 23 day of OCT. in the year 1933 I am now 23 years, 7

months and 1 days of age. I have resided in the State since 1933

in this Parish since 1933 and in Precinct No. 9 in Ward No. 4

of this Parish continuously since 1933 I am not disfranchised by any provisions of the Constitution

of this State. The name of the householder at my present address is ROBERT E. YOUNG

My occupation is LABORER Color is BROWN My race is MALE

I am not now registered as a voter in any other Ward or Precinct of this State, except

My last registration was in Ward Precinct Parish

I am now affiliated with the DEMOCRATIC Party.

Signature Robert E. Young

Sworn to and subscribed before me Curtis Coy Thomas

(Deputy) Registrar

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF Washington

PERSONALLY CAME AND APPEARED BEFORE ME Frankie K. Thomas
(DEPUTY) REGISTRAR OF VOTERS IN AND FOR THE PARISH OF Washington
STATE OF LOUISIANA
E M Mc Lee AND Eugene Farmer
WHO BEING DULY SWORN, DO DEPOSE AND SAY:
THAT THEY ARE BONA FIDE REGISTERED VOTERS OF THIS PARISH, THAT AFTER REASONABLE INVESTIGATION BY THEM, AND EACH OF THEM, AND ON INFORMATION AND BELIEF, THAT Mabel Jones of
REGISTERED FROM 124 Bird St
(Municipal number and street, if any)
TO WHOM WAS ISSUED REGISTRATION CERTIFICATE NO ..... WARD 4
PRECINCT 9, OF THIS PARISH, IS ILLEGALLY REGISTERED OR HAS LOST HIS OR HER RIGHT TO VOTE IN THE PRECINCT, WARD OR PARISH IN WHICH THEY ARE REGISTERED, FOR THE FOLLOWING REASONS:
Application not properly filled in

AND SHOULD BE ERASED FROM THE OFFICIAL PRECINCT REGISTER OF WARD 4
PRECINCT, 9 THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF CAUSING SAID NAME TO BE ERASED.
SWORN TO AND SUBSCRIBED E M Mc Lee
BEFORE ME, ON THIS 17th
DAY OF May, 1939 Eugene Farmer

Frankie K. Thomas
(Deputy) Registrar of Voters

Form 1564

Date Registered ____ PETITION AND APPLICATION FOR REGISTRATION ____ Ward No. 4
OFFICE OF REGISTRAR OF VOTERS Pct. No. ____
Dec. 4 1917 Parish of Washington, State of Louisiana Cert. No. 324
REGISTERED No. of Ward 4 S. 355

I am a citizen of the United States and of the State of Louisiana.
My name is Mr. Sheil Harrison (Please Print) I was born in the
State (or country) of Mississippi Parish (or county) of Copiah
on the 30 day of ____ in the year 18 96 I am now 20 years
5.6 months and 5.6 days of age. I have resided in the State since 1916
in this Parish since 1916 and in Precinct No. 2 in Ward No. 4
of this Parish continuously from 1916 I am not disqualified by any provision of the Constitution
of this State. The name of the husband of my present sister-in-law is ____
My occupation is Logging Laborer My color is Colored My sex is Female
I am not now registered as a voter in any other Ward or Precinct of this State except (Until now never)
My last registration was in Ward 4 Precinct 2 Parish Washington
I am now affiliated with the Democratic Party.
Signature Sheil Harrison
Sworn to and subscribed before me Curtis M. Thomas
Deputy Registrar

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF Washington

PERSONALLY CAME AND APPEARED BEFORE ME Frank K. Thomas
(DEPUTY) REGISTRAR OF VOTERS IN AND FOR THE PARISH OF Washington
STATE OF LOUISIANA
E. P. McCleon AND Eugene Farmer
WHO BEING DULY SWORN, DO DEPOSE AND SAY
THAT THEY ARE BONA FIDE REGISTERED VOTERS OF THIS PARISH, THAT AFTER REASONABLE INVESTIGATION BY THEM, AND EACH OF THEM, AND ON INFORMATION AND BELIEF, THAT Susie Spinney
REGISTERED FROM 835 East 9th St.
(Municipal number and street, if any)
TO WHOM WAS ISSUED REGISTRATION CERTIFICATE NO. ..... WARD 4
PRECINCT 2, OF THIS PARISH, IS ILLEGALLY REGISTERED OR HAS LOST HIS OR HER RIGHT TO VOTE IN THE PRECINCT, WARD OR PARISH IN WHICH THEY ARE REGISTERED, FOR THE FOLLOWING REASONS:
Age not computed correctly on application
4
AND SHOULD BE ERASED FROM THE OFFICIAL PRECINCT REGISTER OF WARD 4
PRECINCT, 2 THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF CAUSING SAID NAME TO BE ERASED.
SWORN TO AND SUBSCRIBED E. P. McCleon
BEFORE ME, ON THIS 7th
DAY OF April, 19.. Eugene Farmer
Frank K. Thomas
(Deputy) Registrar of Voters

State Registered — Form 104 — Ward No. 4

FORM OF APPLICATION FOR REGISTRATION — Prct. No. 2

OFFICE OF REGISTRAR OF VOTERS
Parish of Washington, State of Louisiana — Cert. No.

RESIDENCE No. 226 2nd ave.

I am a citizen of the United States and of the State of Louisiana.

My name is Mr. Mrs. Miss Grace Gallo (Christian Name) (Surname)

State (or country) [redacted] Parish (or county) Washington

on the 29 day of July in the year 95. I am now 32 years, 11 months and 29 days of age. I have resided in the State since 1897

in this Parish since 1925 and in Precinct No. 2, in Ward No. 4

of this Parish continuously since 1925. I am not disfranchised by any provisions of the Constitution of this State. The name of the householder at my present address is Henry Mullo

My occupation is Laborer My color is white My sex is female

I am not now registered as a voter in any other Ward or Precinct of this State, except [illegible]

My last registration was in Ward [illegible] Precinct [illegible] Parish [illegible]

I am now affiliated with the Democratic Party.

Signature Grace Gallo

Sworn to and subscribed before me, this [illegible] day of [illegible] 1932

[illegible] (Deputy) Registrar

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF Washington

PERSONALLY CAME AND APPEARED BEFORE ME Frank T Thomas
(DEPUTY) REGISTRAR OF VOTERS IN AND FOR THE PARISH OF Washington
STATE OF LOUISIANA
E. R. Thomas AND Eugene Farmer
WHO BEING DULY SWORN, DO DEPOSE AND SAY
THAT THEY ARE BONA FIDE REGISTERED VOTERS OF THIS PARISH, THAT AFTER REASONABLE INVESTIGATION BY THEM, AND EACH OF THEM, AND ON INFORMATION AND BELIEF, THAT Curtis Gates
REGISTERED FROM 2216 2nd Avenue
(Municipal number and street, if any)
TO WHOM WAS ISSUED REGISTRATION CERTIFICATE NO WARD 4
PRECINCT , OF THIS PARISH, IS ILLEGALLY REGISTERED OR HAS LOST HIS OR HER RIGHT TO VOTE IN THE PRECINCT, WARD OR PARISH IN WHICH THEY ARE REGISTERED, FOR THE FOLLOWING REASONS
Not signing an application

AND SHOULD BE ERASED FROM THE OFFICIAL PRECINCT REGISTER OF WARD 4
PRECINCT, , THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF CAUSING SAID NAME TO BE ERASED.
SWORN TO AND SUBSCRIBED Eugene Farmer
BEFORE ME, ON THIS 22
DAY OF April, 1954 E. R. Thomas
Frank T Thomas
(Deputy) Registrar of Voters

Date Registered May 3 1948

Form 1A-1

FORM OF APPLICATION FOR REGISTRATION

OFFICE OF REGISTRAR OF VOTERS
Parish of Washington, State of Louisiana

Ward No. 4
Pct. No. 2
Cert. No.

RESIDENCE No. 1739 Charleston St

I am a citizen of the United States and of the State of Louisiana.
My name is Mr. Mrs. Miss Hildred E.C Sanders (Please Print) I was born in the
State (or country) of Louisiana Parish (or county) of Washington
on the 22 day of Nov in the year 1925 I am now 23 years, 5
months and 11 days of age. I have resided in the State since Always
in this Parish since Always and in Precinct No. 2 in Ward No. 4
of this Parish continuously since Always I am not disfranchised by any provisions of the Constitution
of this State. The name of the householder at my present address is Earl Sanders
My occupation is Teaching My color is Negro My sex is Female
I am not now registered as a voter in any other Ward or Precinct of this State, except None.
My last registration was in Ward Precinct Parish
I am now affiliated with the Democrat Party.
Signature Hildred E.C Sanders
Sworn to and subscribed before me
(Deputy) Registrar

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF Washington

PERSONALLY CAME AND APPEARED BEFORE ME Curtis M. Thomas
(DEPUTY) REGISTRAR OF VOTERS IN AND FOR THE PARISH OF Washington
STATE OF LOUISIANA
E. R. Jr. & Elaine AND Eugene Farmer
WHO BEING DULY SWORN, DO DEPOSE AND SAY:
THAT THEY ARE BONA FIDE REGISTERED VOTERS OF THIS PARISH, THAT AFTER REASONABLE INVESTIGATION BY THEM, AND EACH OF THEM, AND ON INFORMATION AND BELIEF, THAT Mildred E. C. Sanders,
REGISTERED FROM 1119 Charleroi St
(Municipal number and street, if any)
TO WHOM WAS ISSUED REGISTRATION CERTIFICATE NO. WARD 7
PRECINCT 2, OF THIS PARISH, IS ILLEGALLY REGISTERED OR HAS LOST HIS OR HER RIGHT TO VOTE IN THE PRECINCT, WARD OR PARISH IN WHICH THEY ARE REGISTERED, FOR THE FOLLOWING REASONS:
Incorrect computation of age on application

AND SHOULD BE ERASED FROM THE OFFICIAL PRECINCT REGISTER OF WARD 7 PRECINCT, 2 THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF CAUSING SAID NAME TO BE ERASED.
SWORN TO AND SUBSCRIBED E. R. Jr. & Elaine
BEFORE ME ON THIS 1st
DAY OF June, 1959 Eugene Farmer
Curtis M. Thomas
(Deputy) Registrar of Voters

Page (No.)

State Registered — Issued No. 46

Form No. 2

Book No. 392

Serial No. 139825

June 4, 1947

Parish of Washington, State of Louisiana

APPLICATION FOR REGISTRATION
OFFICE OF REGISTRAR OF VOTERS

I am a citizen of the United States and of the State of Louisiana.

My name is (in full) Mary L. Speight (Please Print) I was born in the State (or country) of Louisiana Parish (or county) of Washington

on the 25 day of February in the year 1902. I am now 55 years, 9 months and 9 days of age. I have resided in the State since Birth

in this Parish since 1942 and in Precinct No. 2 in Ward No. 4

of this Parish continuously since 1942. I am not disfranchised by any provision of the Constitution of this State. The name of the householder at my present address is Mary L Speight

My occupation is Teacher My color is Negro My sex is Female

I am not now registered as a voter in any other Ward or Precinct of this State, except Ward 4 Prec 2

My last registration was in Ward 4 Precinct 2 Parish Washington

I am now affiliated with the Democratic Party.

Signature Mary L Speight

Sworn to and subscribed before me, this 4 day of June 1947

Curtis M Thomas
(Deputy) Registrar

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF Washington

PERSONALLY CAME AND APPEARED BEFORE ME Curtis M. Thomas
(DEPUTY) REGISTRAR OF VOTERS IN AND FOR THE PARISH OF Washington
STATE OF LOUISIANA
E. R. McElveen AND Eugene Farmer
WHO BEING DULY SWORN, DO DEPOSE AND SAY:
THAT THEY ARE BONA FIDE REGISTERED VOTERS OF THIS PARISH, THAT AFTER REASONABLE INVESTIGATION BY THEM, AND EACH OF THEM, AND ON INFORMATION AND BELIEF, THAT Mary L. Speight
REGISTERED FROM 234 East 5th St
(Municipal number and street, if any)
TO WHOM WAS ISSUED REGISTRATION CERTIFICATE NO. ..... WARD 4
PRECINCT 2, OF THIS PARISH, IS ILLEGALLY REGISTERED OR HAS LOST HIS OR HER RIGHT TO VOTE IN THE PRECINCT, WARD OR PARISH IN WHICH THEY ARE REGISTERED, FOR THE FOLLOWING REASONS:
Incorrect computation of age on application

AND SHOULD BE ERASED FROM THE OFFICIAL PRECINCT REGISTER OF WARD 4 PRECINCT, 2 THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF CAUSING SAID NAME TO BE ERASED.
SWORN TO AND SUBSCRIBED BEFORE ME, ON THIS 1st DAY OF May, 1957

Eugene Farmer
E. R. McElveen

Curtis M. Thomas
(Deputy) Registrar of Voters

540111—60—10

Date Registered 6-4 1937

Form LR-1
FORM OF APPLICATION FOR REGISTRATION
OFFICE OF REGISTRAR OF VOTERS
Parish of Washington, State of Louisiana

Ward No. 4
Prct. No. 2
Cert. No. 818
RESIDENCE No. 539 FLORENCE AVE

I am a citizen of the United States and of the State of Louisiana.
My name is Mr. Mrs. Miss MRS EDZIE ARMEN (Please Print) I was born in the State (or country) of MISSISSIPPI Parish (or county) of PIKE COUNTY on the 22 day of JUNE in the year 1918 I am now 19 years, months and 13 days of age. I have resided in the State since I Was Born in this Parish since 1936 and in Precinct No. ____ in Ward No. 4 of this Parish continuously since 193 ____. I am not disfranchised by any provisions of the Constitution of this State. The name of the householder at my present address is REDZIE ARMEN My occupation is RETAILER CLERK My color is NEGRO My sex is FEMALE I am not now registered as a voter in any other Ward or Precinct of this State, except None My last registration was in Ward 4 Precinct ____ Parish WASH I am now affiliating with the DEMOCRATIC Party.
Signature Edzie Armen
Sworn to and subscribed before me this ____ day of ____ 1937
(Deputy) Registrar

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF Washington

PERSONALLY CAME AND APPEARED BEFORE ME Frankie K. Thomas
(DEPUTY) REGISTRAR OF VOTERS IN AND FOR THE PARISH OF Washington
STATE OF LOUISIANA.
E. P. Mc Elveen AND Eugene Farmer
WHO BEING DULY SWORN, DO DEPOSE AND SAY:
THAT THEY ARE BONA FIDE REGISTERED VOTERS OF THIS PARISH, THAT AFTER REASONABLE INVESTIGATION BY THEM, AND EACH OF THEM, AND ON INFORMATION AND BELIEF, THAT Elvie Ashley
REGISTERED FROM 339 Florence Ave
(Municipal number and street, if any)
TO WHOM WAS ISSUED REGISTRATION CERTIFICATE NO. WARD 4
PRECINCT 2, OF THIS PARISH, IS ILLEGALLY REGISTERED OR HAS LOST HIS OR HER RIGHT TO VOTE IN THE PRECINCT, WARD OR PARISH IN WHICH THEY ARE REGISTERED, FOR THE FOLLOWING REASONS:
Age not Computed Correctly on application

AND SHOULD BE ERASED FROM THE OFFICIAL PRECINCT REGISTER OF WARD 4 PRECINCT, 2 THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF CAUSING SAID NAME TO BE ERASED.
SWORN TO AND SUBSCRIBED E. P. Mc Elveen
BEFORE ME, ON THIS 13
DAY OF April 1959 Eugene Farmer
Frankie K. Thomas
(Deputy) Registrar of Voters

Date Registered 2/3 1937

Form 1024

FORM OF APPLICATION FOR REGISTRATION

OFFICE OF REGISTRAR OF VOTERS
Parish of Washington, State of Louisiana

Ward No. 4
Prct. No. 2
Cert. No. 36
RESIDENCE No. 712 Livonia St

I am a citizen of the United States and of the State of Louisiana.
My name is Mr.-Mrs.-Miss J Curtis M Thomas (Please Print) I was born in the
State (or country) of Miss Parish (or county) of Lamar
on the 5 day of July in the year 1918 I am now 38 years, 11
months and ___ days of age. I have resided in the State since 1934
in this Parish since 1934 and in Precinct No. 2, in Ward No. 4
of this Parish continuously since 1934. I am not disfranchised by any provisions of the Constitution
of this State. The name of the householder at my present address is J Curtis Thomas
My occupation is Clerk My color is Negro My sex is Male
I am not now registered as a voter in any other Ward or Precinct of this State, except
My last registration was in Ward 4 Precinct 2 Parish Washington
I am now affiliated with the Dem Party.
Signature J Curtis Thomas
Sworn to and subscribed before me Curtis Cox Deputy Registrar

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF Washington

PERSONALLY CAME AND APPEARED BEFORE ME Frankie K Thomas
(DEPUTY) REGISTRAR OF VOTERS IN AND FOR THE PARISH OF Washington
STATE OF LOUISIANA.
E R McElveen AND Eugene Farmer
WHO BEING DULY SWORN, DO DEPOSE AND SAY:
THAT THEY ARE BONA FIDE REGISTERED VOTERS OF THIS PARISH, THAT AFTER REASONABLE INVESTIGATION BY THEM, AND EACH OF THEM, AND ON INFORMATION AND BELIEF, THAT James Davis
REGISTERED FROM 712 Delaware St.
(Municipal number and street, if any)
TO WHOM WAS ISSUED REGISTRATION CERTIFICATE NO. WARD 4
PRECINCT 2, OF THIS PARISH, IS ILLEGALLY REGISTERED OR HAS LOST HIS OR HER RIGHT TO VOTE IN THE PRECINCT, WARD OR PARISH IN WHICH THEY ARE REGISTERED, FOR THE FOLLOWING REASONS:
misspelling on application
Violated printed instruction on application
AND SHOULD BE ERASED FROM THE OFFICIAL PRECINCT REGISTER OF WARD 4 PRECINCT, 2. THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF CAUSING SAID NAME TO BE ERASED.
SWORN TO AND SUBSCRIBED E R McElveen
BEFORE ME, ON THIS 15th
DAY OF April, 1959 Eugene Farmer
Frankie K Thomas
(Deputy) Registrar of Voters

99-NN Supreme Court of Louisiana

No. 44836

STANLEY J. SMITH AND HIRAM J. WRIGHT

Versus

MARY C. FLOURNOY, REGISTRAR OF VOTERS FOR WINN PARISH

In Re Mary C. Flournoy Applying for Writs of Certiorari, Prohibition, and Mandamus and for a Stay Order.

FOURNET, C. J., dissents and assigns written reasons.

Simon, J., dissents.

HAWTHORNE, J.

This proceeding was instituted by Stanley J. Smith and Hiram J. Wright, registered voters of Winn Parish, against Mary C. Flournoy, Registrar of Voters for that parish, under the provisions of R.S. 18: 133 and 134. Petitioners allege that they are entitled to the issuance of a rule directed to the registrar of voters to show cause why she should not mail out notices to, and make publication of the names of, eight persons named in the petition, who it is alleged are illegally registered. To the petition the registrar of voters filed exceptions of vagueness, no cause and no right of action, non-joinder, and a plea of unconstitutionality. The exceptions and the plea were overruled. The registrar applied for writs to this court, writs were granted, and the case is now before us under our supervisory jurisdiction. The case has not been tried on the merits.

The pertinent provisions of Title 18 of the Louisiana Revised Statutes read:

"Sec. 132. Whenever the registrar has reason to believe that any name upon the books of registration has been illegally or fraudulently placed therein, or that any person has lost the right to remain thereon, he shall immediately notify the person by mail, at his address appearing upon the precinct register, of the alleged irregularity in registration, sending with the notification a printed citation requiring the person to

99-OO appear within ten days from the mailing of the notice and citation, which date shall be stated in the citation, to show cause why his name should not be erased from the

precinct register. The registrar, as soon as at least six names have accumulated, or in any event within not more than five days after mailing the notification, shall publish a notice segregating such names by ward and precinct, and requiring the registrants to appear in his office and prove the correctness of their registration. * * * The publication shall require the registrants to appear within three days of the last publication and prove the correctness of their registration. If the registrant fail to appear within three days from the date of last publication, or within ten days from the date of mailing of the notice, whichever date is later, the registrar shall at once cancel the names from the precinct register and make a note thereon of the date of cancellation. However, if the registrants appear in person within the time aforesaid, and proof is submitted by them in the form of an affidavit signed and sworn to before the registrar or his deputy by three bona fide registered voters of the parish, that such persons are legally entitled to remain on the books of registration, their names shall remain as voters on the precinct register, unless ordered erased therefrom by order of court, as provided in this Part.

"The form of affidavit to be sworn to by the three bona fide registered voters shall read as follows:

"'Personally came and appeared on this the .... day of ..... 19.., before me, ...(Deputy) Registrar of Voters in and for the Parish of ..... State of Louisiana, ... and ..... who being first duly sworn by me, do depose and say:

"'That they are each personally acquainted with ..... registrant; that they have investigated the facts of the case, and of their own personal knowledge know that ..... now resides at ..... Street, Precinct No. ..... Ward No. ..... of this Parish, and has continuously resided in that precinct and ward for the past ....., months, and during that time has resided at the address aforesaid, and has resided in the Parish of ..... for a period of .....'

"* * *

99–PP "SEC. 133. Upon an affidavit signed and sworn to in duplicate before and filed with the registrar or his deputy by any two bona fide registered voters of the parish, to the effect that after reasonable investigation and on information and belief certain persons are *illegally registered*, or have

lost their right to vote in the precinct, ward, or parish in which they are registered by reason of removal or otherwise, the registrar shall immediately, or, in any event, within forty-eight hours, notify the registrants by mailing to them postage prepaid, at the addresses given in the precinct register, the duplicate copy of the affidavit, together with a printed citation requiring them to appear in person before the registrar or his deputy within ten days from date of the mailing of the duplicate affidavit and citation, which date shall be stated in the citation, and prove their right to remain on the registration rolls by affidavit of three bona fide registered voters in the form as provided in R.S. 18:132. The registrar shall immediately make a similar publication, as provided for in R.S. 18:132, and if the challenged registrants fail, within the same delays provided in that Section, to prove their right to remain on the rolls, as in that Section provided, the registrar shall erase their names from the precinct register. [Italic ours.]

"SEC. 134. Should the registrar fail or refuse to mail the notice, to make the publication, or to erase a name when by the provisions of this Chapter it becomes his duty to do so, the person making the affidavit may, by rule on the registrar returnable within forty-eight hours after service, excluding Sundays and legal holidays, apply to the district court for the parish, without cost, and cause the registrar to show cause why such should not be done. The rule shall be tried in a summary way and by preference, in term time or in vacation, and the court shall immediately upon conclusion of the hearing enter its order in the premises. If the rule is granted, it shall fix a period of not more than three days from the date of the order within which the registrar shall comply therewith, and failing in which the registrar shall be held in contempt of court and punished accordingly."

99-QQ Relator takes the position that she does not have to mail the notices or make the publication provided in R.S. 18:133 because the statute is unconstitutional in that it violates provisions of both the state and federal constitutions. Under the view we take of this case it is not necessary for us to detail the grounds of unconstitutionality alleged by relator.

The registrar of voters is a public officer appointed under the provisions of Section 18 of Article 8 of the Constitution. R.S. 18:133 makes it the mandatory duty of the registrar to mail the notices and make the publication as therein provided.

In other words, the doing of these things is a statutory duty of a ministerial character. Under the settled jurisprudence of this court relator is without interest to assert the unconstitutionality of the statute as a defense to a suit to compel the performance of ministerial duties imposed upon her by law. In State ex rel. New Orleans Canal & Banking Co. v. Heard, 47 La. Ann. 1679, 18 So. 746, it was said:

"In State *ex rel.* Nicholls, Governor, VS. Shakspeare, Mayor, 41 An. 156, this question arose and was expressly decided, the court holding that 'laws are presumed to be constitutional until the contrary is judicially established; and they must be executed by the officers upon whom they impose the duty of doing so, who have no authority to resist the execution thereof on the ground that they contravene the constitution.'

* * *

"In *mandamus* proceedings against a public officer, involving the performance of official duty, nothing can be inquired into but the question of duty on the face of the statute, and the ministerial character of the duty he is charged to perform.

"After a careful investigation of the authorities, we feel fully confirmed in the correctness of the conclusions we arrived at in Nicholls, Governor, vs. Shakspeare, Mayor, and other cases, to the effect that executive officers of the State government have no authority to decline the performance of purely ministerial duties which are imposed upon them by a law, on the ground that it contravenes the Constitution.

99-RR "Laws are presumed to be, and must be treated and acted upon by subordinate executive functionaries as constitutional and legal, until their unconstitutionality or illegality has been judicially established, for in all well-regulated government, obedience to its laws by executive officers is absolutely essential, and of paramount importance.

"Were it not so the most inextricable confusion would inevitably result, and 'produce such collisions in the administration of public affairs as to materially impede the proper and necessary operations of the government.'

" 'It was surely never intended that an executive functionary should nullify a law by neglecting or refusing to execute it.'

"The result of this conclusion is, that respondents are without right to urge the unconstitutionality of the concurrent resolution which is involved."

In the recent case of Dore v. Tugwell, 228 La. 807, 84 So. 2d 199, this court stated:

"The Heard case, which represents the majority view in this country, enunciates the general rule that a public officer, charged with statutory duties of a ministerial character, is without interest or right to question the constitutionality of the statute affecting or prescribing such duties as a defense to amandamus proceeding to compel their performance. See Annotation 129 A.L.R. 941, supplementing 30 A.L.R. 378, and cases there cited. This doctrine is founded in the basic tenet that, forasmuch as legislative acts are entitled to great respect and are presumptively constitutional, it would be inimical to public policy to allow a party without interest in a statute, and who is not injuriously affected by its enforcement, to assail its validity. City of New Orleans v. Dameron, 149 La. 535, 89 So. 685."

See also State v. Board of Supervisors, 228 La. 951, 84 So. 2d 597; Louisiana Motor Vehicle Commission v. Wheeling Frenchman, 235 La. 332, 103 So. 2d 464.

99 SS Relator recognizes the existence of the general rule pronounced in the cases cited above, but argues that it has no application to her in the instant case. For instance, she contends that she has taken an oath to support the Constitution, that this is her first duty, and that she cannot enforce a law directly in conflict with the Constitution. Relator's argument is not tenable. Under Article 19, Section 1, of the Louisiana Constitution of 1921, all officers, except as otherwise provided in the Constitution, must take an oath to support the Constitution, and if we were to hold that the mere fact of taking such an oath allows the public official taking it to question the constitutionality of a statute which he is entrusted with administering, we would in effect do away with the general rule altogether. Moreover, under Article 19, Section 1, of the Constitution, the officer making the oath must swear that he "will support * * * the Constitution *and laws* of this State * * *".

Relator also says that the statute makes it her mandatory duty to get out the notices within 48 hours whether there be 10 or many thousands of them; that she is subject to a penalty of fine and imprisonment for violation of the registration laws; that there is a total absence of any standard or formula in the

statute as to the number of challenges the registrar shall receive, and that as a consequence she is directly affected by the act and should be permitted to raise the constitutional question. We are not impressed with this argument. In these proceedings the registrar is not being prosecuted for violating the statute and is not here called upon to defend herself against the possible imposition of a penalty.

Relator also contends that the general rule is not a hard and fast one in Louisiana and cites several cases in which she contends an exception to the general rule was made. The cases cited and relied on are not appropriate and controlling here. We think the Heard, Dore, and other cases cited above are fully decisive of the issue here presented.

In support of her exceptions of no cause and no right of action and of vagueness relator contends that the affidavits 90-TT filed by the two bona fide registered voters in this case are defective. Each affidavit in this case is in the language of the statute, and after naming the registrant and averring that he is illegally registered, it then specifically sets forth the reasons for the illegal registration. It is true that in the body of each affidavit it is recited that the two bona fide registered voters "Personally came and appeared before me Mrs. Mary Flourney (Deputy) Registrar of Voters in and for the Parish of Winn State of Louisiana", whereas the jurat provides "Sworn to and subscribed before me, on this 21st day of August, 1959. [signed] Lottie N. Tulles, Deputy Registrar of Voters". It is to be noted, however, that relator does not contend that the affidavits were not sworn to and signed before the deputy registrar of voters. In our opinion the affidavits are sufficient under the provision of the statute that such affidavits are to be signed and sworn to before the registrar or the deputy registrar of voters. The jurats clearly show that these affidavits were signed and sworn to before the deputy registrar of voters, and thus the requirements of the statute are met.

Relator also argues in support of her exception of no cause and no right of action that R.S. 18: 133 does not encompass the irregularities or illegalities set forth in the affidavits; that only voters who are registered in the wrong parish, ward, or precinct may be summarily challenged by affidavit under this statute; that the only irregularity or illegality toward which the statute is directed is lack of residence.

Relator contends that the words "illegally registered" in Section 133 refer only to those persons who are illegally registered because they do not possess the residence requirements for registration in the particular precinct, ward, and parish. She argues that she is supported in this conclusion by the form of affidavit set forth in Section 132 as the only means by which a challenged person may offset the challenge.

In considering the provisions of Section 133 we are to be guided by certain recognized rules of statutory construction.

In Dore v. Tugwell, supra, the court stated:

"* * * It has been many times said that it is the function of the courts to interpret the laws so as to give them the connotation the lawmaker obviously intended and not to construe them so rigidly as to give them preposterous or odd meanings. State ex rel. Womack v. Jones, 201 La. 637, 10 So. 2d 213; Berteau v. Police Jury of Parish of Ascension, 214 La. 1003, 39 So. 2d 594 and Webb v. Parish Council of Parish of E. Baton Rouge, 217 La. 926, 47 So. 2d 718. The object of the court in construing a statute is to ascertain the legislative intent and, where a literal interpretation would produce absurd consequences, the letter must give way to the spirit of the law and the statute construed so as to produce a reasonable result. Bradford v. Louisiana Public Service Commission, 189 La. 327, 179 So. 442; See also City of Shreveport v. Gregory, 186 La. 407, 172 So. 435."

R.S. 18: 133 provides that upon affidavit sworn to in duplicate before and filed with the registrar or his deputy by two bona fide registered voters of the parish, to the effect that after reasonable investigation and on information and belief "certain persons are illegally registered, or have lost their right to vote in the precinct, ward, or parish in which they are registered by reason of removal or otherwise", the registrar shall within the time provided give notice to the registrants and make citation and publication as set forth in the statute.

Relator is, of course, correct when she says that one is "illegally registered" if he lacks the prescribed residence requirements. But since there are many requirements besides residence for a valid registration as a voter in this state, it is obvious that one may also be "illegally registered" for lack of any of these other qualifications prescribed by the Constitution and statutes. A careful consideration of this whole stat-

ute convinces us that there is only one reasonable interpretation of this provision, and that is that the registrants whose registration may be challenged under the statute are (1) those "illegally registered"—that is, those who do not possess all the qualifications for registration set forth in Article 8, Section 1, of the Constitution and R.S. 18: 31—

99-VV

and (2) those who at the time of their registration possessed the qualifications provided in the Constitution and statutes of this state but who have lost their right to vote in the precinct, ward, or parish in which they are registered by reason of removal or otherwise. The statute clearly intends that the registration of persons falling into either category may be challenged by two bona fide registered voters of the parish in the manner set forth therein, and that when such challenges are made, it is the mandatory duty of the registrar to notify the challenged registrants in the manner provided by the statute and to issue citation to the persons challenged to appear before the registrar within the time set forth in the statute and prove their right to remain on the registration roll.

The statute further provides that any person whose registration is challenged may prove his right to remain on the registration roll by affidavit of three bona fide registered voters in the form provided in R.S. 18:132. The form of the affidavit as set forth in R.S. 18:132 is to the effect that the affiants are acquainted with the registrant who has been challenged and have investigated the facts of the case and of their own personal knowledge know that he resides at ..... Street, Precinct No. ..... Ward No. ..... of this parish, and has continuously resided in that precinct and ward for the past ..... months and during that time has resided at the address aforesaid and has resided in the Parish of ..... for a period of .....

Relator argues that since the statute provides that the challenged registrant may prove his right to remain on the registration roll by such an affidavit, this clearly shows that under this statute the only ground of challenge is failure to meet the residence requirements. In other words, she contends that the statute contemplates that one's registration may be challenged only on the ground that he has moved from the precinct, ward, or parish in which he is registered, or that he has never lived there, or that he has not lived there sufficiently long to be a

qualified elector; and she argues that although he may be illegally registered for failure to meet some other requirement laid down by the Constitution and statutes of this state.

99–WW such an illegal registration cannot be challenged under this section.

To give this interpretation to the statute we would have to ignore completely the comprehensiveness of the term "illegally registered" and construe it narrowly to mean "illegally registered by virtue of the fact that they do not possess residence qualifications". We are convinced that the statute contemplates the challenge of any person whose registration is illegal for lack of any of the requirements for registration set forth in the Constitution and statutes.

The Legislature by enacting R.S. 18:133 clearly intended to provide a method of removing from the registration rolls (1) those registrants who are illegally registered—that is, those who did not possess the legal qualifications for registration required by the Constitution and statutes of this state at the time of their registration—and (2) those registrants who were legally registered at the time of their registration but who have lost their right to vote in the precinct, ward, or parish in which they are registered by reason of removal or otherwise. This intent is clear and unmistakable, and, the legislative intent being clear, it is the duty of the court to give full effect to this intent if possible.

To accept relator's contention that the language used in the form of the affidavit shows that registrants may be challenged under this statute only because of lack of residence qualifications would have the effect of nullifying the intent of the Legislature in regard to the right to challenge registrants who are illegally registered because they lack some requirement other than that of residence.

As we view the statute, the affidavit is simply an example of the type of affidavit that a challenged registrant would have three registered voters make were he challenged on the grounds of want of residence in the precinct, ward, or parish. When the statute is interpreted in this manner, the intent of the Legislature and the spirit of the law are given effect, and the statute is construed so as to produce a reasonable result.

99–XX In support of her exception of non-joinder relator contends that the registrants whose right to remain on the registration roll is being challenged should be made parties

defendant. There is no reasonable basis for this exception. It is clear from R.S. 18:134 that the only indispensable or necessary party defendant in this suit is the registrar.

For the reasons assigned the judgment of the district court overruling relator's exceptions and plea of unconstitutionality is affirmed, and the case is remanded to the lower court for further proceedings according to law.

Supreme Court of Louisiana

No. 44,836

99–YY STANLEY J. SMITH AND HIRAM J. WRIGHT

v.

MARY C. FLOURNOY, REGISTRAR OF VOTERS FOR WINN PARISH

FOURNET, *Chief Justice, dissenting.*

I am in accord with the majority view that under the jurisprudence generally prevailing the only issue that can be inquired into in a mandamus proceeding against a public officer involving the performance of an official duty is the ministerial character of the duty the officer is charged with performing on the face of the statute. But I cannot agree with the construction placed on RS 18: 133 in the majority opinion, and particularly when this section is read in connection with RS 18: 132.

It is my opinion that RS 18: 133 does not encompass the irregularities or illegalities set forth in the affidavits in this proceeding, as the only irregularities or illegalities there sought to be reached are those having to do with the possession of the necessary residence requirements in a particular precinct, ward, and parish. This conclusion is not only supported by the clear language of the statute itself, but also by the language in the affidavit required to be submitted, which is set out in full in RS 19: 132. Consequently, the trial judge erred in not dismissing this suit on the exceptions of no cause and no right of action.

99–ZZ It would seem to me, however, that although under the generally prevailing rule that the officer who is being coerced to perform a ministerial duty in a mandamus proceeding cannot challenge the constitutionality of the law imposing the duties sought to be enforced, we have often—

and should—relax this rule in cases where the exigencies demand it, and decide all of the issues.

I do not think I need say that this matter, affecting as it does a statewide election for all local, parish, and state officials that is being conducted under a mandate of the constitution, is of utmost importance, for the result of the decision, whatever it may be, may well be the determining factor in the outcome of the election of some of these various officials. This is particularly true when we consider that Article VIII of the Constitution of 1921, dealing with suffrage and elections, declares that after January 1, 1922, the right to vote in Louisiana "shall not exist except under the provisions of this Constitution". (Section 1), and then, in the same section, there is set out the qualifications of those eligible to vote in this state and the manner of registering them. (See, also, Sections 2 and 3.) Section 4 makes it the mandatory duty of the legislature to enact laws to secure fairness in party primary elections, conventions, or other methods of naming party candidates and limiting the right to participate in such nominations to those who are duly qualified voters or "electors under the provisions of this Constitution."

Section 5 grants to any qualified person who may be denied registration the right to apply to the district court for relief and makes it the mandatory duty of the court to try such case "in preference over all other cases *before a jury of twelve, nine of whom must concur to render a verdict*;" the verdict as finally rendered not being subject to appeal on review. As to any names that may be illegally on the registration rolls of any parish, the right to have those names stricken from the rolls is specifically given in the next paragraph of Section 5 to any duly qualified and registered voter by applying to the 99-A.A district court for that purpose, but this application also must be tried by preference *before a jury of twelve*, nine of whom must concur to find a verdict, and their verdict is final except as to the person whose name is stricken from the role thereby, he alone being given the right of appeal. (The emphasis has been supplied.)

It is not the function of a court to order a public officer to do a vain and useless thing, and from the foregoing it is clear that the registrar is without authority to remove names from the rolls except in the manner provided in the second para-

graph of Section 5. I have no doubt that those whose names are sought to be stricken from the rolls in this proceeding—as well as in all other similar proceedings—will avail themselves of this constitutional provision.

I must, therefore, respectfully dissent.

99-BBB

Affidavit

Filed Nov. 18, 1959

[File endorsement omitted.]

STATE OF LOUISIANA,
Parish of Orleans:

Before me, the undersigned authority, a Notary Public duly commissioned and qualified in and for the Parish of Orleans, State of Louisiana, personally came and appeared Frank A. Sass, Jr., who, being duly sworn, did depose and say:

That he is a Special Agent of the Federal Bureau of Investigation, stationed at New Orleans, Louisiana; that in connection with his official duties he did participate in the photographing in the City of Franklinton, Parish of Washington, State of Louisiana, on November 10, 1959, of the following records, documents and papers:

1. The Registration Cards of E. Ray McElveen, Diaz D. McElveen, Saxon Farmer, and Eugene Farmer;

2. The Registration Cards, Affidavits of Challenge, and Citations to Erase for each of the original Negro registrants, except Albert Wilson, cited in the complaint filed by the Government in the case United States of America versus D. D. McElveen, et al., Civil Action No. 9146, Eastern District of Louisiana;

3. The Registration Cards, Affidavits of Challenge, and Citations to Erase for the nine white registrants challenged by the four individuals mentioned in paragraph 1 above;

4. 200 Registration Cards of various individuals presently on the Registration Rolls of Washington Parish, Louisiana, picked at random from various precincts and wards; and

5. The Registration Cards, Affidavits of Challenge, and Citations to Erase, pertaining to 138 Negro voters, picked at random, from those registrants in Washington Parish who have been challenged by the same four individuals mentioned in paragraph 1 above.

That all of the above records, documents and papers were and are, in the possession, custody and control of Curtis M. Thomas in his official capacity as Registrar of Voters of Washington Parish, State of Louisiana, and form part of the Registration Records of said parish.

FRANK A. SASS, Jr.

Sworn to and subscribed before me this 18th day of November, 1959.

[SEAL] M. HEPBURN MANY,
Notary Public.

100 In United States District Court

Findings of fact and conclusions of law

Filed Jan. 11, 1960

WEST, *District Judge:*

In the spring of 1959 the Citizens Council, professing a purpose to purge the registration rolls of Washington Parish, Louisiana, of all persons illegally registered, succeeded in disenfranchising 85% of the Negro voters of the Parish and 0.07% of the white. The United States in this action charges that this profession of high purpose was a fraud designed to deny Negro citizens of the right to vote. Made defendants and charged with conspiring with the Citizens' council are several members of the council and the Registrar of Voters for Washington Parish.

In a prior action this court denied the defendants' motion to dismiss. United States v. McElveen, 177 F. Supp. 355. Here the United States has moved for a temporary injunction. Based on the evidence offered by all parties in connection with this motion, this court now makes the following Findings of Fact and Conclusions of Law:

101 *Findings of fact*

1. Individual Defendants Diaz D. McElveen, E. Ray McElveen, Saxon Farmer, and Eugene Farmer are, and at all times material hereto were, registered voters of Washington Parish, Louisiana, and during the period from November 1, 1958 through July 1, 1959 were members of the Defendant Citizens Council.

2. Defendant Registrar Curtis M. Thomas is, and has been since September 1949, the Registrar of Voters of Washington Parish, Louisiana, with his office in Franklinton, Louisiana.

3. Defendant Citizens Council of Washington Parish, Louisiana, is and at all times material hereto was, a nonprofit corporation incorporated under the laws of the State of Louisiana and domiciled in Washington Parish, Louisiana. One of its purposes is to maintain racial segregation in said parish.

4. Registration is a prerequisite under state law to voting in any election in the State of Louisiana, and may be either permanent or periodic. Washington Parish, Louisiana became a permanent registration parish in May of 1958 and a registered voter of this parish is not required to reregister unless his name is cancelled from the registration rolls in accordance with law.

5. The Defendant Registrar in his official capacity as Registrar of Washington Parish was and is responsible, among other things, for registering of qualified applicants for registration, for keeping and preserving of registration records,
102 and for cancelling from the registration rolls the names of all voters who lose their right to remain on the rolls.

6. Each registered voter of Washington Parish has a registration card, Form of Application for Registration, which, except in the cases of illiterates and the physically disabled, is entirely filled out by the registrant and sworn to before the Defendant Registrar. The registration cards of current registrants are maintained in the office of the Registrar of Voters, and are filed in alphabetical order by precincts within the nine wards that comprise Washington Parish.

7. Acting under the authority of the laws of Louisiana, and more particularly Section 245, Title 18 Louisiana Revised Statutes of 1950, the Individual Defendants, commencing in February 1959 and ending in June 1959, filed in the office of the Defendant Registrar affidavits challenging the right of approximately 1,377 Negroes and approximately 10 white persons to remain on the registration rolls as qualified voters.

8. In filing the aforesaid challenges the Individual Defendants used the facilities of the office of the Defendant Registrar, the official records kept therein, and the Forms of Affidavit of Challenge provided for by the laws of Louisiana.

9. The Defendant Registrar, acting under the authority of Title 18 Section 245 of the Louisiana Revised Statutes of 1950,

issued and caused to be issued to the persons challenged, Citations of Notice to Erase requiring them to appear at the office of the Defendant Registrar and prove by written affi-
103 davit of three bona fide registered voters their right to remain on the registration rolls.

10. Following and as a result of the challenges made by the Individual Defendants, the names of the persons challenged were removed from the registration rolls of Washington Parish. The number so removed was approximately 98% of the total that was removed from the rolls of Washington Parish during the period November 1, 1958 through July 1, 1959.

11. On November 30, 1958 there were 11,444 white persons and 1,517 Negroes registered to vote in Washington Parish, Louisiana. On June 30, 1959 there were 12,228 white persons and 236 Negroes registered to vote there. The decline in the number of registered Negro voters in Washington Parish between the dates November 4, 1958 and June 16, 1959 was a direct result of the filing in the office of the Registrar of Affidavits of Challenge by the Individual Defendants.

12. The Affidavits of Challenge filed by the Individual Defendants purported to be based on defects or deficiencies in the registration cards such as misspellings, deviations from printed instructions, failure to compute age with exact precision, and illegible handwriting.

13. The same defects and deficiencies are to be found in at least half of the registration cards of the white citizens of Washington Parish currently on the registration polls. Analysis of a random sampling of 200 cards, 198 of which were of white persons, revealed that over 60% had such defects and inconsistencies, and the Defendant Registrar, who has worked
104 with all registration cards since 1949, testified that at least 50% had such errors and omissions.

14. In examining the Washington Parish registration records for the purpose of filing the said Affidavits of Challenge, the Individual Defendants limited their examination almost exclusively to the registration records of Negro voters while making only a token examination of the registration records of white voters. The Individual Defendants made no examination of the registration records pertaining to those wards in which no Negroes were registered and they challenged no voters in those wards.

15. The acts and practices of the Individual Defendants, as described, were committed and engaged in for the purpose and with the effect of depriving Negroes, solely because of their race or color, of the right to register and vote.

16. Based upon his knowledge that (a) the Individual Defendants virtually confined their examination of the registration records to those of Negro voters (b) the challenges were directed almost entirely to Negroes and not white persons, and (c) the Individual Defendants filed Affidavits of Challenge involving defects and deficiencies which he knew also appeared in the records of white persons, against whom Affidavits of Challenge were not filed, the Defendant Registrar was well aware of the racially discriminatory character of the challenges of the Individual Defendants.

17. Defendant Citizens Council at all times pertinent to this action approved and endorsed the aforesaid acts and
105 practices of the Individual Defendant all of whom were members of the Defendant Citizens Council.

18. But for the acts and practices of the Individual Defendants in filing the Affidavits of Challenge as described and the action of the Defendant Registrar in giving effect to such challenges, the approximately 1377 Negroes previously registered to vote and removed from the registration rolls would be presently registered to vote.

19. Unless restored to the registration rolls of Washington Parish the approximately 1377 Negroes previously registered to vote will be unable to vote in the General Election to be held April 19, 1960.

Conclusions of law

1. This court has jurisdiction of this action. 28 U.S.C. 1345; 42 U.S.C. 1971(d).

2. The Individual Defendants, in challenging the registration status of voters, were acting under color of the laws of Louisiana. Providing for and supervising the electoral process is a state function. *Terry* v. *Adams*, 345 U.S. 461. The Individual Defendants participated in this state function under express authority of Louisiana law, using state facilities made available to them. L.R.S. 18:245. Their actions formed the basis of the removal of citizens from the registration rolls by the Defendant Registrar acting in his official capacity. See *Shelley* v. *Kraemer*, 334 U.S. 1, 20.

3. The challenges by the Individual Defendants, endorsed and supported by the Defendant Citizens Council of
106 Washington Parish, of which they were and are members, although not patently discriminatory on the face of each, were actually massively discriminatory in purpose and effect, and as such unconstitutional. U.S. Constitution, 15th Amend.; 42 U.S.C. 1971(a). The result of the challenges was to remove almost all of the Negro voters from the rolls and leave the white voters practically untouched, even though over 50% of the white registration cards have the same defects and deficiencies as did the challenged Negro cards. A court need not, and should not, shut its mind to what all others can see and understand. Child Labor Tax Case, 259 U.S. 20, 37. Discriminatory application of a statute, even one unobjectionable on its face, is unconstitutional. Yick Wo v. Hopkins, 118 U.S. 356; Lane v. Wilson, 307 U.S. 268.

4. The action of the Defendant Registrar in giving effect to the mass challenges of the Individual Defendants achieved a discriminatory result in violation of his duties under the 15th Amendment. Whether or not he had the racially discriminatory purpose which motivated the action of the Individual Defendants and the Defendant Citizens Council is irrelevant as a matter of law. Avery v. Georgia, 345 U.S. 559.

5. The challenges, having been made in violation of the 15th Amendment and 42 U.S.C. 1971(a), were and are themselves null, void and ineffective for any purpose, and the voters taken off the registration rolls as a result of these challenges were accordingly illegally Removed. Thornton v. Martin, 1 Race Relations Law Reporter 213 (1956). It is of no bearing
107 that some or all of the defects and deficiencies set out as basis for the challenges may in fact exist, and if nondiscriminatorily cited, could constitute legal grounds for removal of voters from the rolls as indicated in Thomas v. McElveen, et al., Civil Docket No. 18,751, 22nd Judicial District Court, Parish of Washington, Louisiana. This is not a matter of a failure or inability to show a common injury. Compare Reddix v. Lucky, 252 F. 2d 930. Here the common injury, which is the fatal defect of each challenge, is a shared discrimination in the application of the law. Frasier v. Board of Trustees, 134 F. Supp. 589, aff'd. per curiam 350 U.S. 979.

6. Plaintiff, the United States of America, has an interest and obligation broader than that of any other individual litigant, which should be taken into account in giving effect to the broad remedial purposes of the Civil Rights Act of 1957. This is not a case as between private parties and should not be so construed. Georgia v. Tennessee Copper Co., 206 U.S. 230, 237. Courts of equity may, and frequently do, go much further both to give and to withhold relief in furtherance of the public interest than they are accustomed to go where only private interests are concerned. Virginian Railway Co. v. System Federation No. 40, 300 U.S. 515, 552.

7. The principle of the exhaustion of administrative remedies has no application to this case, since the qualifications of the persons challenged are not here at issue. The discrimination involved lies in part in the very act of subjecting the Negroes to the process of resorting to administrative
108 remedies which are not required of white voters similarly situated. To require exhaustion of administrative remedies would make this court a party to the discrimination claimed. Shelly v. Kraemer, 334 U.S. 1. In any event, the law itself expressly dispenses with the requirement of the exhaustion of administrative remedies. 42 U.S.C. 1971(d). And where a person "has been illegally removed from the voters' list his remedy lies in having the illegal action rescinded, not in re-registering." Reddix v. Lucky, 252 F. 2d 930, 937.

8. This court has jurisdiction to issue an appropriate injunction in this case. 42 U.S.C. 1971(c).

Judgment for plaintiff.

(S) J. SKELLY WRIGHT.
Judge.

In United States District Court

Decree

Jan. 11, 1960

Pursuant to the Findings of Fact and Conclusions of Law, entered this date, it is ordered, adjudged and decreed that, pending further order of this court:

1. Diaz D. McElveen, E. Ray McElveen, Saxon Farmer, and Eugene Farmer, individually and as members of the Citizens Council of Washington Parish, Louisiana, together with

their agents and any persons acting in concert with them who have actual notice of this decree, are hereby enjoined from causing or initiating challenges or filing any affidavits of challenge which have as their purpose or effect discrimination based on race or color against registrants of Washington Parish, Louisiana, and from further engaging in any other acts and practices which would interfere with the rights of any citizens of the United States to vote at any election without distinction of race or color.

2. The Citizens Council of Washington Parish, Louisiana, its officers, members, agents, and any persons acting in concert with it who have actual notice of this decree, is hereby enjoined from causing or in any way participating in the filing of affidavits of challenge which have as their purpose or effect discrimination based on race or color against registrants of Washington Parish, Louisiana, and from further engaging in any other acts and practices which would interfere with the rights of any citizens of the United States to vote at any election without distinction of race or color.

3. Curtis M. Thomas, individually and as Registrar of Voters of Washington Parish, Louisiana, his deputies and agents, and the successors of each, are hereby enjoined as follows:

(a) From giving any legal effect whatsoever to the approximately 1377 challenges filed in the office of Registrar of Voters of Washington Parish, Louisiana against Negro registrants of that parish by the four individuals named in paragraph 1 of this decree during the period February 1, 1959, to June 16, 1959, both inclusive, or from giving any legal effect to any prior proceedings or orders based directly or indirectly upon such challenges.

(b) From permitting the names of any of the approximately 1377 persons challenged as set out in paragraph 3(a) of this decree, to remain off the present and current rolls of qualified voters of Washington Parish, Louisiana, or from a legal supplement thereto, longer than ten days from the date of this decree. It is the intent and purpose of this paragraph that the persons enjoined shall do whatever is necessary to be done to reinstate within ten days from the date of this decree upon the current rolls of qualified voters in

Washington Parish and upon all official copies thereof, the names of all of the said approximately 1377 persons.

(e) From acting upon or giving effect to any challenges of registrants in Washington Parish, Louisiana which might hereafter be filed in his office which have as their purpose or effect discrimination based upon race or color.

4. In effectuation of this decree, Curtis M. Thomas, Registrar of Voters of Washington Parish, Louisiana, is further ordered to file with the Clerk of this Court within ten days from the date hereof, a detailed report in writing of his full compliance with the provisions of paragraph 3(b) of this decree.

5. In further effectuation of this decree, Curtis M. Thomas, Registrar of Voters of Washington Parish, Louisiana, together with his successors, is further ordered to keep and maintain, from and after February 1, 1960, a tabulation showing the number of registrants of each race whose right to remain on the registration rolls of Washington Parish is challenged. If at the end of any three-month period thereafter, more
111 than 5% of the registrants of any one race shall have been challenged, he shall within ten days thereafter submit to this court a detailed report in writing concerning such challenges, giving the bases thereof and indicating whether the same or similar bases of challenges appear in the records of other registrants.

6. In further effectuation of this decree, the parties to this cause may at any time apply to this court for an order for the inspection of, and photographing of, any or all records in the office of the Registrar of Voters of Washington Parish, Louisiana.

This court retains jurisdiction of this cause of the purpose of issuing any and all additional orders herein as may, in its judgment, become necessary for the purpose of modifying the same if, in its judgment, modification becomes necessary, and for the purpose of enforcing the same.

New Orleans, Louisiana, this 11th day of January, 1960.

(S) J. SKELLY WRIGHT,
Judge.

In United States District Court

Notice of Appeal by Thomas

Filed Jan. 15, 1960

Notice is hereby given that Curtis M. Thomas, Registrar of Voters of Washington Parish, Louisiana, one of the Defendants in the above named action, hereby appeals to the Circuit Court of Appeals for the Fifth Circuit from the final judgment entered in this action on 11 January 1960.

112 13 JANUARY, 1960.

(S) Jack P. F. Gremillion,
JACK P. F. GREMILLION,
Attorney General, State of Louisiana,

(S) M. E. Culligan,
M. E. CULLIGAN,
Assistant Attorney General,

(S) Weldon A. Cousins,
WELDON A. COUSINS,
Assistant Attorney General,

(S) Henry J. Roberts, Jr.,
HENRY J. ROBERTS, Jr.,
Assistant Attorney General,
301 Loyola Ave., Supreme Court Building,
New Orleans, Louisiana.

113 [Clerk's certificate omitted in printing.]

114 In the United States Court of Appeals for the Fifth Circuit Eastern District of Louisiana, New Orleans Division

Civil Action No. 18169

UNITED STATES OF AMERICA, PLAINTIFF

versus

DIAZ D. MCELVEEN; E. RAY MCELVEEN, SAXON FARMER AND EUGENE FARMER, INDIVIDUALLY AND AS MEMBERS OF THE CITIZENS COUNCIL OF WASHINGTON PARISH, LOUISIANA; CURTIS M. THOMAS, REGISTRAR OF VOTERS OF WASHINGTON PARISH, LOUISIANA, AND THE CITIZENS COUNCIL OF WASHINGTON PARISH, LOUISIANA, DEFENDANTS

Motion to stay order of injunction filed

January 15, 1960

(File endorsement omitted.)

Appellant, Curtis M. Thomas, Registrar of Voters, of Washington Parish, Louisiana, moves the Court to stay the mandate and injunction in the matter entitled: "United States of America, Plaintiff; versus Diaz D. McElveen, E. Ray McElveen, Saxon Farmer and Eugene Farmer, Individual and as members of the Citizens Council of Washington Parish, Louisiana; Curtis M. Thomas, Registrar of Voters of Washington Parish, Louisiana, and the Citizens Council of Washington Parish, Louisiana, Defendants" for the reason that appellant will appeal the judgment of the District Court, based on the reasons; that:

(1) The District Court's decree is contrary to the laws of the State of Louisiana; and

(2) That the District Court's decree will force, by mandatory injunction, a state official to commit an unlawful act; and

115 (3) That the District Court's decree will in effect rewrite the provisions of Louisiana Law dealing with Registration of Voters and challenging thereby; without first declaring such law unconstitutional.

(4) That the decree will in effect, unconstitutionally transfer to the United States District Court certain duties and power which by State Law belongs to the Registrar of Voters for Washington Parish.

(S) Jack P. F. Gremillion,
JACK P. F. GREMILLION,
Attorney General, State of Louisiana,
(S) M. E. Culligan,
M. E. CULLIGAN,
Assistant Attorney General,
(S) Weldon A. Cousins,
WELDON A. COUSINS,
Assistant Attorney General,
(S) Henry J. Roberts, Jr.,
HENRY J. ROBERTS, Jr.,
Assistant Attorney General,
301 Loyola Ave., Supreme Court Building,
New Orleans, Louisiana.

[Certificate of service omitted in printing.]

116 In United States Court of Appeal for the Fifth Circuit

Memorandum in support of motion to stay

Filed Jan. 15, 1960

[File endorsement omitted.]

[Title omitted.]

The Plaintiff, the United States of America, in the original action in the District Court for the Eastern District of Louisiana, filed a suit requesting that a preliminary injunction issue enjoining the Defendant, Curtis M. Thomas, Registrar of Voters of Washington Parish, from continuing to accept challenges in connection with certain citizens of the state who are members of the colored race.

That on January 11, 1960, the Honorable Judge J. Skelly Wright issued a preliminary injunction, granting the Plaintiffs the relief requested and in addition, the Court enjoined the said Curtis M. Thomas, Registrar of Voters of Washington Parish as follows:

"3. Curtis M. Thomas, individually and as Registrar of Voters of Washington Parish, Louisiana, his deputies and agents, and the successors of each, are hereby enjoined as follows:

(a) From giving any legal effect whatsoever to the approximately 1377 challenges filed in the office of Registrar of Voters of Washington Parish, Louisiana, against Negro registrars of that Parish by the four individuals named in paragraph

117 1 of this decree during the period February 1, 1959 to June 16, 1959, both inclusive, or from giving any legal effect to any prior proceedings or orders based directly or indirectly upon such challenges.

(b) From permitting the names of any of the approximately 1377 persons challenged as set out in paragraph 3(a) of this decree, to remain off the present and current rolls of qualified voters of Washington Parish, Louisiana or from a legal supplement thereto longer then ten days from the date of this decree. It is the intent and purpose of this paragraph that the persons enjoined shall do whatever is necessary to be done to reinstate within ten days from the date of this decree upon the current rolls of qualified voters in Washington Parish and upon

all official copies thereof, the names of all of the said approximately 1377 persons.

(c) From acting upon or giving effect to any challenges of registrants in Washington Parish, Louisiana which might hereafter be filed in his office which have as their purpose or effect discrimination based upon race or color.

"4. In effectuation of this decree, Curtis M. Thomas, Registrar of Voters of Washington Parish, Louisiana, is further ordered to file with the Clerk of this Court within ten days from the date hereof, a detailed report in writing of his compliance with the provisions of paragraph 3(b) of this decree.

"5. In further effectuation of this decree, Curtis M. Thomas, Registrar of Voters of Washington Parish, Louisiana, together with his successors, is further ordered to keep and maintain, from and after February 1, 1960, a tabulation showing the number of registrants of each race whose right to remain on the registration rolls of Washington Parish is challenged. If, at the end of any three-month period thereafter, more than 5% of the registrants of any one race shall have been challenged, he shall within ten days thereafter, submit to this court a detailed report in writing concerning such challenges, giving the bases thereof and indicating whether the same or similar bases of challenges appear in the records of other registrants."

On January 15th, 1960 your applicant herein filed an application in this Honorable Court seeking to stay the effect of the preliminary injunction issued by the District Court until such time as your applicant has exhausted their appellate remedies.

The judgment of the District Court herein, clearly goes beyond the scope of the remedy sought by the plaintiff, in that:

118 (a) the judgment of the District Court in effect nullifies the registration laws of the State of Louisiana;

(b) that there are no provisions in Louisiana Law to comply with paragraph 3(a) of the District Court's judgment;

(c) that in effect the order places unqualified people on the rolls of registration contrary to the Laws of Louisiana;

(d) that the Federal Court has become a Federal Registrar of Voters;

(e) that the action of the District Court forces a state official, following a mandatory duty, to violate said duty and the laws of the State of Louisiana, the constitutionality of which laws

have not been challenged or adjudged to be unconstitutional;

(f) that the District Court Judgment number 5 has no basis in any of the Louisiana law, and is an attempt by the District Court to amend and legislate the voter registration laws of the State of Louisiana;

(g) that the plaintiffs herein have brought this action under Section 1971, (c) of Title 42 United States Code, which section has been declared to be unconstitutional (U.S. of America vs. James Griggs Raines, et als, 172 Fed. Sup. 2nd 552)

(h) under the provisions of Rule 62G, this Honorable Court has supervisory jurisdiction to stay a decree pending an appeal provided that said stay order would in effect maintain the status quo.

(S) JACK P. F. GREMILLION,
Attorney General.
(S) WELDON A. COUSINS,
Assistant Attorney General.
(S) HENRY J. ROBERTS, Jr.,
Assistant Attorney General.

119 In the United States Court of Appeals
for the Fifth Circuit

Opposition to motion to stay order of injunction

Filed Jan. 21, 1960

[Title omitted.]

[File endorsement omitted.]

Comes now the United States of America, by its attorneys, and opposes appellant Thomas's motion for stay pending appeal in the above entitled cause, and in support thereof shows this court the following:

I

The facts of this case are found in the Findings and Conclusions of the District Court which are appended hereto.

II

Appellant's motion to stay the injunction issued by the District Court should not be entertained because appellant has failed to apply for a stay to the District Court. Cumberland Tel. Co. v. Louisiana Public Service Comm., 260 U.S. 212, 219; Southern Ry. Co. v. Watts, 259 U.S. 576; United States v. El-

O-Pathic Pharmacy, 192 F. 2d 62, 79 (C.A. 9). The District Court, which has the power to grant a stay pending appeal even though notice of appeal has been filed (Rule 62(c) FRCP; Shinholt, et al. v. Angle, 90 F. 2d 297, 298 (C.A. 5), certiorari denied 302 U.S. 719) is the "court, which has considered the case on the merits and, therefore, is familiar with the record." Cumberland Tel. Co. v. Louisiana Public Service Comm., supra, at page 219. Accordingly, it is important for this court to have the benefit of the District Court's view as to the balance of the equities.

120

III

In any event, the motion should be denied. Where the issue is whether an order should be stayed pending appeal, the movant must show that he would be irreparably injured by denial of the stay. Long Beach Federal Savings & Loan Assn. v. The Federal Home Loan Bank of San Francisco, 76 S. Ct. 32, 33 (opinion of Mr. Justice Douglas); Breswick & Co. v. United States, 75 S. Ct. 912, 915 (opinion of Mr. Justice Harlan); Virginia Petroleum Jobbers Assn. v. Federal Power Commission, 259 F. 2d 921, 926 (C.A.D.C.). Even where a showing of irreparable injury is made, the court, in the exercise of its equitable powers, will deny the stay motion unless it also finds that it is likely that the movant will prevail on the merits of his appeal. In addition, after finding irreparable injury, the court, in balancing the equities will consider (1) the possible harm that a stay would cause to other parties to the proceeding, and (2) the public interest, if any. Virginia Petroleum Jobbers Assn. v. The Federal Power Commission, supra, at page 925; Breswick & Co. v. United States, supra.

IV

Appellant makes no contention that the District Court's decree, in the absence of a stay, will inflict irreparable injury upon him. He does assert that this decree is erroneous because, (1) it is contrary to the laws of the State of Louisiana; (2) it compels appellant to violate these laws; (3) it rewrites these laws without declaring them unconstitutional; (4) it transfers the powers and duties of a state registrar to the United States District Court and (5) it places unqualified persons on the registration rolls contrary to the laws of Louisiana. All of these as-

sections completely ignore the supervening power of the federal constitution upon which the decree of the District Court is based. See Art. VI, Clauses 2 and 3 of the Constitution; and see also, Ex parte Siebold, 100 U.S. 371, 395 (1879). If there is any conflict between state and federal law the obligation of the appellant is to the federal constitution. Ex parte Virginia, 100 U.S. 339, 348 (1879). "The Constitution and laws of the United States are the supreme law of the land, and to these every citizen of every State owes obedience, whether in his individual or official capacity." Ex parte Siebold, supra, at page 392. See also 4 USC, Sections 101, 102.

121 It is clear that adherence to a higher federal duty, including a duty imposed by a court decree, is a complete defense to any charge of violation of state law. Ex parte Royall, 117 U.S. 241, 251 (1885); In re Neagle, 135 U.S. 1 (1889).

Thus, if the law of Louisiana or the manner in which it is applied is in conflict with federal law, as determined by the District Court, it must yield to the demands of the federal constitution. On the other hand, if Louisiana law does not authorize the discrimination which the District Court here found, then obviously obedience by the appellant to the decree cannot be in violation of state law.[1]

V

The assertion of this motion rests ultimately on the proposition that by its decree, the District Court is compelling the registration of unqualified persons as voters. This misconstrues the basis upon which the order rests. The Findings of Fact and Conclusions of Law show that this appellant has not generally treated persons who have committed minor, technical errors in their applications as being unqualified to register and to vote under the laws of Louisiana. On the contrary, such persons have normally been treated as fully qualified. The commission of such errors was simply used with respect to the persons here involved as a palpable subterfuge as a means of disfranchising Negro citizens on account of their race or color.

[1] Planning the use of equitable relief to authenticate a constitutional right cannot be said to make the District Court a local registrar. See Reddix v. Lucky, 252 F. 2d 930 (C.A. 5, 1958), Thornton v. Martin, 1 Race Relations Law Reporter 214 (M.D. Ga. 1955).

Thus, in light of the Findings and Conclusions of the District Court the appellant cannot now be heard to assert that the citizens who are being restored to the rolls are unqualified.

VI

Moreover, as a matter of law, the Negro voters were not being requalified by the District Court's decree. The self-excluding ban of the Fifteenth Amendment nullified the challenges the moment they were made. See Guinn v. United States, 238 U.S. 347 (1915); Terry v. Adams, 345 U.S. 461 (1953). The District Court found that these challenges were void under the constitution. Accordingly, they could never become legally effective for any purpose.

122 Even if it be assumed arguendo that the decree of the court has the effect of restoring to the registration rolls persons who are not qualified under Louisiana law, still it has not been shown in what conceivable manner this could inflict injury, let alone irreparable injury, upon appellant. As we indicated above, he is insulated from any possible liability under Louisiana law by the decree of the federal court. Beyond that, this appellant could not show an injury personal to himself.

The claim is made that in this respect appellant is asserting the interest of the State of Louisiana. While his standing to make such a claim is not conceded, it is apparent in any event that the order of the District Court does not preclude the subsequent removal from the rolls of any voters who are not qualified, if the removal is by fair, non-discriminatory, legal means.

VII

Appellant claims that the judgment of "the District Court clearly goes beyond the scope of the remedy sought * * * in that (the section of the Civil Rights Act of 1957 under which this action was brought) has been declared unconstitutional." United States v. Raines, 172 F. Supp. 552.[1] Perhaps the reference to Raines is intended to demonstrate that the question here involved has substantial merit. The contention in Raines, and presumably the point made here, is that section 1971(a)(c) of T. 42, USC, is not limited to "state action" and accordingly

[1] The Raines case is presently pending on appeal in the Supreme Court. It was argued on 1/12/60.

exceeds the congressional power under the Fifteenth Amendment. The court below found that section 1971(a)(c) was clearly limited to "state action" or required by the Fifteenth Amendment. 177 F. Supp. 355. More fundamentally, however, the District Court held that the defendants had no standing to test the constitutionality of the Act as it applied to purely private action, for it is undisputed that they were acting under authority of state law. Accordingly, they could not test an allegedly unconstitutional application of the Act in the abstract. Jeffrey Mfg. Co. v. Blagg, 235 U.S. 571; Yazoo & Mississippi RR v. Jackson Vinegar Co., 226 U.S. 217.

VIII

This is not a case in which persons who have never been qualified to vote under state law are suddenly placed on
123 the rolls by a federal court order. These citizens enjoyed the franchise in Louisiana, some of them for many years. They were challenged and removed from the rolls in a manner which was clearly illegal and discriminatory. Their rights have now been restored to them by an order of a federal court acting under the constitution and under the specific mandate of the Congress expressed as recently as three years ago. Under such circumstances on a balancing of the equities the public interest requires that every presumption be indulged in favor of the retention on the rolls of these citizens. Aside from such practical injury as they might suffer, by virtue of the fact that they would, in the event of a stay, be kept from the registration rolls, the larger consideration is that these persons would certainly be adversely affected in their reputations by being excluded from their normal rights of citizenship.

Beyond this, as the District Court concluded, the United States of America has an interest and obligation broader than that of any other individual litigant, which should be taken into account in giving effect to the broad remedial purposes of the Civil Rights Act of 1957. This is not a case as between private parties and should not be so construed. Georgia v. Tennessee Copper Co., 206 U.S. 230, 237. Courts of equity may, and frequently do, go much further both to give and to withhold relief in furtherance of the public interest than they are accustomed to go where only private interests are concerned. Virginian Railway Co. v. System Federation No. 40, 300 U.S. 515, 552.

Wherefore, United States of America respectfully submits that the motion filed by appellant Curtis N. Thomas is without merit and should be denied.

Respectfully submitted.

(S) M. Hepburn Many,
M. HEPBURN MANY,
United States Attorney.

[Certificate of service omitted in printing.]

Appendix—Findings of Fact and Conclusions of Law omitted. Printed side page 100 ante.

126 In the United States Court of Appeals for the Fifth Circuit

No. 18169

CURTIS M. THOMAS, REGISTRAR OF VOTERS OF WASHINGTON PARISH, LOUISIANA, APPELLANT

versus

UNITED STATES OF AMERICA, APPELLEE

Order staying execution and enforcement of judgment and decree

Jan. 21, 1960

Before RIVES, Chief Judge, and JONES and BROWN, Circuit Judges

BY THE COURT:

Upon consideration of the Motion of appellant it is ordered that execution and enforcement of the judgment and decree entered by the United States District Court for the Eastern District of Louisiana, New Orleans Division, bearing Civil Action No. 9146, said judgment being dated January 11, 1960, is hereby stayed pending the determination of this appeal therefrom unless otherwise ordered.

(S) RICHARD T. RIVES,
Chief Judge.

JANUARY 21, 1960.

127 In the United States Court of Appeals for the Fifth Circuit Before RIVERS, Chief Judge, and JONES and BROWN, Circuit Judges

Order assigning case for hearing in New Orleans

Filed January 21, 1960.

[Title omitted.]

[File endorsement omitted.]

BY THE COURT:

It is ordered that the above entitled and numbered cause be set for hearing at New Orleans, Louisiana on Monday, March 21, 1960, on the original typewritten transcript of record, as certified by the Clerk of the United States District Court for the Eastern District of Louisiana, with four (4) legible copies of a typewritten brief for the appellant to be filed by February 11, 1960, and reply brief in like form to be filed by the appellee by February 26, 1960.

Enter for the Court this Jan. 21, 1960:

RIVES,
Chief Judge.

128 *Clerk's Certificate*

UNITED STATES OF AMERICA

United States Court of Appeals, Fifth Circuit

I, Edward W. Wadsworth, Clerk of the United States Court of Appeals for the Fifth Circuit, do hereby certify that the foregoing pages numbered from 1 to 19, contain full, true and complete copies of the following documents:

MOTION TO STAY ORDER OF INJUNCTION
MEMORANDUM IN SUPPORT OF MOTION TO STAY
OPPOSITION OF APPELLEE TO MOTION TO STAY ORDER OF INJUNCTION
ORDER GRANTING STAY PENDING APPEAL
ORDER ASSIGNING CASE FOR HEARING IN NEW ORLEANS

filed in a certain cause in this Court, numbered 18169, wherein Curtis M. Thomas, Registrar of Voters of Washington Parish,

Louisiana is Appellant, and United States of America is Appellee, as full, true and complete as the originals of the same now remain in my office.

I further certify that the pages of the mimeographed record, numbered from 20 to 135, are identical with the mimeographed record as certified by the Clerk of the United States District Court for the Eastern District of Louisiana, which was filed in this office on January 27, 1960, subsequent to the entry of the Order entered by the Court on January 21, 1960, staying the judgment and decree of the said District Court.

In testimony whereof, I hereunto subscribe my name and affix the seal of the said United States Court of Appeals at my office in the City of New Orleans, Louisiana, in the Fifth Circuit this 29th day of January, A.D., 1960.

[SEAL] EDWARD W. WADSWORTH,
Clerk, United States Court of Appeals for the Fifth Circuit.

129 Supreme Court of the United States

No. —, October Term, 1959

UNITED STATES OF AMERICA, PETITIONER

v.

CURTIS M. THOMAS, REGISTRAR OF VOTERS OF WASHINGTON PARISH, LOUISIANA, ET AL.

ON APPLICATION TO VACATE ORDER OF THE COURT OF APPEALS GRANTING STAY OF INJUNCTION PENDING APPEAL AND TO REINSTATE INJUNCTION ISSUED BY THE DISTRICT COURT

Per curiam

January 26, 1960

The application of the United States for an order vacating the stay order of the Court of Appeals entered January 21, 1960, and reinstating the decree of the District Court, together with the request of the Attorney General of Louisiana for argument thereon, have been considered by the Court.

1. It appears, as respondents pointed out in their application to the Court of Appeals for the stay herein, that the issues in United States v. Raines, No. 64, now pending on appeal in this Court, are pertinent to the disposition of this case. In view of this, and of the fact that the issues raised by this application are closely related to those involved on the merits of the controversy now before the Court of Appeals, the Court believes that the entire matter should be considered at one time. In light of the foregoing, and of the imminence of the State general election scheduled for April 19, 1960, the Court will entertain a petition for certiorari to review the judgment of the District Court, 28 U.S.C. §§ 1254(1), 2101(e), if filed by the Solicitor General on or before January 29, 1960. The petition may be filed in typewritten form. See the action of the Court as to Bolling v. Sharpe, et al., 344 U.S., at 3.

130 2. In the event that such a petition is so filed, the Court will hear argument upon the present application, the petition, and the merits, on February 23, 1960, the case to be set at the head of the calendar for that day. See Hannah v. Larche, No. 549; Hannah v. Slawson, No. 550, 361 U.S.—, December 7, 1959.

3. The record, which may be filed in typewritten form, and the Government's brief on all matters will be filed on or before February 10, 1960, and the answering briefs of the respondents will be filed on or before February 20, 1960. The Government may file a reply brief on or before February 22, 1960.

It is so ordered.